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RESOLUTIONS AND DECISIONS
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ECONOMIC AND SOCIAL COUNCIL
at its
RESUMED ORGANIZATIONAL SESSION FOR 1997
and its
SUBSTANTIVE SESSION OF 1997

Note: The provisional texts of the resolutions and decisions are circulated herein for information. The final texts will be issued in *Official Records of the Economic and Social Council, 1997, Supplement No. 1* (E/1997/97).

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RESOLUTIONS

1997/1. The need to harmonize and improve United Nations informatics systems for optimal utilization and accessibility by all States

The Economic and Social Council,

Conscious of the deep interest of Member States in harnessing the benefits of new information technologies for furthering the objectives of the United Nations, including the objectives of economic and social development,

Recalling its resolutions 1991/70 of 26 July 1991, 1992/60 of 31 July 1992, 1993/56 of 29 July 1993, 1994/46 of 29 July 1994, 1995/61 of 28 July 1995 and 1996/35 of 25 July 1996 on the need to harmonize and improve United Nations information systems for optimal utilization and accessibility by all States, with due regard to all official languages,

Recalling also that in its resolution 1996/35, it commended the Ad Hoc Open-ended Working Group on Informatics for the concrete actions it had taken in pursuance of its mandate, and requested the President of the Economic and Social Council to convene the Working Group for one more year, from within existing resources, for the due fulfilment of the provisions of the Council resolutions on this item,

Welcoming the oral report presented by the Chairman of the Ad Hoc Open-ended Working Group on Informatics on the progress achieved so far by the Working Group in fulfilling its mandate,

Highly appreciative of the accomplishments of the Working Group, which include:

(a) The attainment of nearly universal connectivity between United Nations databases and those of the permanent missions of the Member States;

(b) The training of a large number of personnel of the permanent missions and the Secretariat in using a variety of electronic facilities and techniques;

(c) The identification and progressive elimination of several impediments to access to United Nations databases;

(d) The establishment of video-conferencing facilities for use by the permanent missions and the Secretariat;

(e) The establishment of the United Nations Web page on the Internet and a connection between this facility and the United Nations optical disk system;

(f) The uploading of all resolutions and decisions of the Security Council, the General Assembly, the Economic and Social Council and the Trusteeship Council from 1946 onwards on the United Nations optical disk system, and the enlargement of the database of documents on the United Nations Web page;

(g) The efforts to enable the United Nations and its Member States to reduce waste and duplication as well as expenditure on unnecessary documentation;

(h) The assistance given to permanent missions in creating their own Web pages on the Internet,

Deeply appreciative that the work of the Working Group has not involved any additional expenditures and that its needs have been met from within existing resources,

Highly appreciative that the work done by the Working Group has already resulted in savings for the United Nations and its Member States and has created opportunities for further savings,

Taking note with deep interest of the proposed initiatives of the Working Group, including the promotion of computer-based decision-making techniques to facilitate the drafting of resolutions and documents in ways that would accelerate the reaching of agreements in the drafting process, and the employment of modern information technology for the development activities of the United Nations,

Recognizing that the work done by the Working Group will support and facilitate the successful implementation of the initiatives being taken by the Secretary-General with a view to expanding the use of information technology and the availability and transparency of information in order to further facilitate access to United Nations information in all countries,

Agreeing with the assessment in the report of the Working Group that further work needs to be done by the Working Group to fulfil its mandate,

Taking note of the report of the Secretary-General on action taken by the United Nations to implement Economic and Social Council resolution 1996/35,[2]

1. Reiterates, once again, the high priority it attaches to easy, economical, uncomplicated and unhindered access for States Members of the United Nations and for observers, through, inter alia, their permanent missions, to the growing number of computerized databases and information systems and services of the United Nations;

2. Calls for the urgent and continued implementation of measures required to achieve these objectives;

3. Reaffirms the continuing need for representatives of States to be closely consulted and actively associated with the respective executive and governing bodies of United Nations institutions dealing with informatics within the United Nations system, so that the specific needs of States as internal end-users can be given due priority;

4. Decides that the action programme to harmonize and improve United Nations informatics systems for optimal utilization and accessibility by all States should continue to be implemented from within existing resources and in full consultation with the representatives of States;

5. Highly commends the Ad Hoc Open-ended Working Group on Informatics for the concrete actions it has taken and for the impressive results it has produced in pursuance of its mandate;

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[2] E/1997/88.

6. Requests the President of the Economic and Social Council to convene the Working Group for one more year, from within existing resources, for the due fulfilment of the provisions of the Council resolutions on this item and for facilitating the successful implementation of the initiatives being taken by the Secretary-General with regard to the use of information technology;

7. Requests the Working Group to design an overall information management strategy for the United Nations system;

8. Requests the Secretary-General to extend full cooperation to the Working Group and to give priority to implementing its recommendations;

9. Also requests the Secretary-General to report on the follow-up action taken on the present resolution, including the findings of the Working Group, to the Economic and Social Council at its substantive session of 1998.

33rd plenary meeting
18 July 1997

1997/2. International migration and development

The Economic and Social Council,

Recalling General Assembly resolutions 49/127 of 19 December 1994, 50/123 of 20 December 1995 and 51/176 of 16 December 1996,

Recalling also the Programme of Action of the International Conference on Population and Development,[3] in particular chapter X on international migration,

Recalling further the relevant provisions contained in the Copenhagen Declaration on Social Development[4] and the Programme of Action of the World Summit for Social Development[5] and in the Platform for Action[6] adopted by the Fourth World Conference on Women,

Having considered the concise report of the Secretary-General on world population monitoring, 1997: international migration and development,[7]

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[3] Report of the International Conference on Population and Development, Cairo, 5-13 September 1994 (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

[4] Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995 (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annex I.

[5] Ibid., annex II.

[6] Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II.

[7] E/CN.9/1997/2.

Taking note of the activities of the Working Group on International Migration of the Administrative Committee on Coordination Task Force on Basic Social Services for All, as presented in the report of the Task Force,[8]

1. Urges both the Statistics Division and the Population Division of the United Nations Secretariat, along with the regional commissions, other relevant United Nations and intergovernmental organizations, and Governments providing technical assistance in statistics, to collaborate in the dissemination of the new set of recommendations on statistics of international migration[9] and to provide, at the request of Governments, technical assistance in implementing these recommendations;

2. Calls upon the Working Group on International Migration of the Administrative Committee on Coordination Task Force on Basic Social Services for All to ensure that international migration remains a topic of concentration in its follow-up to the International Conference on Population and Development, inter alia, by compiling a comprehensive list of issues related to international migration and development and identifying the intergovernmental mechanisms available to address them, to be submitted to the Commission on Population and Development at its thirty-first session;

3. Calls upon all relevant organs, organizations and programmes of the United Nations system, and other intergovernmental, regional and subregional organizations to collaborate and coordinate their efforts, making full use of the expertise of existing organizations, in examining international migration and development;

4. Calls upon Governments and intergovernmental, regional and subregional organizations to promote and expand the exchange of information and experiences regarding international migration and development in appropriate bilateral, multilateral, regional and interregional forums.

34th plenary meeting
18 July 1997

1997/3. Work of the Committee of Experts on the Transport of Dangerous Goods

The Economic and Social Council,

Recalling its resolutions 1995/5 and 1995/6 of 19 July 1995,

Recalling also its decision 1996/301 of 26 July 1996, by which it invited the Committee of Experts on the Transport of Dangerous Goods, when examining the question of the periodicity of amendments to the Recommendations on the Transport of Dangerous Goods, to take fully into account the views expressed by delegations during the substantive session of 1996 of the Council,

Bearing in mind the increasing volume of dangerous goods in worldwide commerce and the rapid expansion of technology and innovation,

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[8] E/CN.9/1997/4.

[9] PROV/ST/ESA/STAT/SER.M/58/Rev.1.

Bearing also in mind the continuing need to meet the growing concern for the protection of life, property and the environment through the safe transport of dangerous goods, while facilitating trade,

Aware that, in order to achieve internationally harmonized laws, the Economic Commission for Europe, the International Maritime Organization, the International Civil Aviation Organization and other specialized agencies and international organizations involved in activities related to the transport of dangerous goods and interested Member States have responded positively to the Council's various resolutions adopted since 15 April 1953, and that, being committed to taking the recommendations of the Committee of Experts on the Transport of Dangerous Goods as a basis for the formulation of their requirements and regulations, including those concerning labelling and classification, those organizations therefore rely on the work of the Committee,

Aware also of the advice of the Committee to the effect that reformatting the provisions applicable to all modes of transport contained in the Recommendations on the Transport of Dangerous Goods[10] into a model regulation, annexed to a basic recommendation, that could be directly integrated into all modal national and international regulations would enhance harmonization, facilitate regular updating of all instruments concerned by the relevant organizations or regulatory authorities, and result in considerable overall savings for the Governments of the Member States, the United Nations, the specialized agencies and other international organizations,

Reconfirming the need for the Committee to participate actively in relevant activities associated in the implementation of Agenda 21,[11] as expressed in its resolution 1995/6,

A. Work of the Committee of Experts during the biennium 1995-1996

1. Takes note of the report of the Secretary-General on the work of the Committee of Experts on the Transport of Dangerous Goods during the biennium 1995-1996,[12] and in particular of:

(a) The adoption of new and amended provisions[13] for inclusion in the Recommendations on the Transport of Dangerous Goods;[9]

(b) The completion of the first step in the reformatting of the existing Recommendations into a model regulation annexed to a basic recommendation;[14]

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[10] United Nations publication, Sales No. E.95.VIII.1.

[11] Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992 (A/CONF.151/26/Rev.1 (Vol. I and Vol. I/Corr.1, Vol. II, Vol. III and Vol. III/Corr.1)) (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: Resolutions Adopted by the Conference, resolution 1, annex II.

[12] E/1997/16.

[13] See ST/SG/AC.10/23/Add.1.

[14] ST/SG/AC.10/23/Add.2.

(c) The elaboration, pursuant to Council resolution 1995/6, of proposals for criteria for the classification of flammable, explosive and reactive materials, globally harmonized for various regulatory purposes, in cooperation with the International Labour Organization in the context of the implementation of chapter 19 of Agenda 21, and the concurrence of the Committee with the request from the International Labour Organization for pursuing the work in 1997-1998 for unresolved issues on the same basis as in 1995-1996;

2. Commends the Secretary-General for the timely publication of the ninth revised edition of the Recommendations on the Transport of Dangerous Goods in all the official languages of the United Nations and for the publication of the second revised edition of the Manual of Tests and Criteria[15] in English, French, Spanish and Russian;

3. Requests the Secretary-General:

(a) To circulate the new and amended recommendations to the Governments of Member States, the specialized agencies, the International Atomic Energy Agency and other international organizations concerned;

(b) To publish a consolidated version of the Recommendations, as amended,[16] in the reformatted form of a model regulation, annexed to a basic recommendation, including the new and amended recommended provisions, in all the official languages of the United Nations, in the most cost-effective manner, not later than the end of 1997;

(c) To expedite the publication, in the most cost-effective manner, of the second revised edition of the Manual of Tests and Criteria in Arabic and Chinese;

4. Invites all Governments, the specialized agencies, the International Atomic Energy Agency and the other international organizations concerned to transmit to the Secretary-General their views on the Committee's work, together with any comments that they may wish to make on the amended recommendations;

5. Invites all interested Governments, regional commissions and specialized agencies and the international organizations concerned, when developing or updating appropriate codes and regulations, to take full account of the recommendations, including the structure and format of such codes and regulations;

B. Programme of work for the biennium 1997-1998

6. Approves the programme of work of the Committee and its Subcommittee of Experts on the Transport of Dangerous Goods for the biennium 1997-1998 and the working arrangements and the priorities of work for that biennium, as follows:

(a) Global harmonization of systems of classification and labelling of chemicals (implementation of chapter 19 of Agenda 21), in accordance with Council resolution 1995/6;

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[15] United Nations publication, Sales No. E.95.VIII.2.

[16] ST/SG/AC.10/1/Rev.10.

(b) Second step in the reformatting of the Recommendations on the Transport of Dangerous Goods into a model regulation;

(c) New or revised recommendations on the transport of dangerous goods;

7. Requests the Secretary-General to take all necessary steps for ensuring secretariat representation of the Committee at appropriate meetings of international organizations committed to implementing the recommendations of the Committee or involved in the process of global harmonization of classification and labelling systems for chemicals;

C. Periodicity of amendments to the Recommendations

8. Takes note of the advice of the Committee that:

(a) A new and revised version of the Recommendations should be published after completion of the second step of reformatting - that is, in 1999, after the 1998 session of the Committee;

(b) The new and revised version should be implemented by the various international organizations concerned with the transport of dangerous goods through their respective modal instruments by 1 January 2001;

(c) No firm decision as regards a possible future four-year periodicity of amendments should be taken as long as the processes of reformatting the Recommendations into a model regulation, annexed to a basic recommendation, and of global harmonization of systems of classification and labelling of chemicals for the implementation of Agenda 21 have not been completed;

9. Invites the Committee to reconsider the issue at its 1998 session;

D. Report of the Council

10. Requests the Secretary-General to submit a report to the Council in 1999 on the implementation of the present resolution.

34th plenary meeting
18 July 1997

1997/4. Restructuring the conference structure of the Economic and Social Commission for Asia and the Pacific

The Economic and Social Council,

Recalling resolutions 143 (XXX) of 5 April 1974, 210 (XXXVI) of 29 March 1980, 262 (XLIII) of 30 April 1987, 47/3 of 10 April 1991 and 51/3 of 1 May 1995 of the Economic and Social Commission for Asia and the Pacific on the conference structure of the Commission,

Also recalling General Assembly resolution 50/11 of 2 November 1995 on multilingualism, in particular paragraphs 1, 5 and 6 thereof,

Further recalling Commission resolution 48/2 of 23 April 1992 on restructuring the conference structure of the Commission, in particular its decision to review the conference structure of the Commission, including its thematic priorities and its subsidiary structure, not later than at the fifty-third session of the Commission,

Cognizant of General Assembly resolution 50/227 of 24 May 1996 on further measures for the restructuring and revitalization of the United Nations in the economic, social and related fields,

Reaffirming that the complexity of the development problems faced by the countries in the Asia and Pacific region, in particular the developing countries, increasingly demands that these problems be tackled in a comprehensive manner through interdisciplinary and intersectoral action,

Recognizing the increased responsibilities of the Economic and Social Commission for Asia and the Pacific, which comprises a geographical area containing 62 per cent of the population of the world and includes many developing country members and associate members, among which are least developed, landlocked and island developing countries and countries with economies in transition, which have special needs,

Recognizing further that the occasion of the fiftieth anniversary of the Commission provides a historic opportunity for the Commission to bring about the wide participation of its members and associate members and to sharpen the focus of its work to enable it to respond more effectively to the evolving economic and social needs of the members and associate members within a rapidly changing global paradigm, including the changing scope of regional cooperation, by utilizing fully the multidisciplinary advantage of the Commission and its increased capability in technical assistance activities,

Noting the comparative advantage of the Commission as the most representative body for the Asia and Pacific region in carrying out its role as the main general economic and social development centre of the United Nations system for the Asia and Pacific region,

Having considered the recommendations of the Regional Preparatory Meeting on the Review of the Conference Structure of the Commission, held at Bangkok from 24 to 28 February 1997,

1. Decides to revise its conference structure, including its thematic and subsidiary structure, to conform to the following pattern:

1. The Commission

The Commission shall meet annually, each session comprising a senior officials' segment followed by a ministerial segment, for up to a maximum of seven working days to discuss and decide upon important issues concerning economic and social development in the region, to decide upon the recommendations of its subsidiary bodies and of the Executive Secretary, to examine and approve the programme of work and priorities and to take any other decisions required, in conformity with its terms of reference.

2. Subsidiary structure

The conference structure of the Commission should consist of the following five committees, which should meet at the intervals and for the maximum duration indicated below:

Committees	Periodicity	Maximum duration
Regional Economic Cooperation	Biennial	3 days
Socio-economic Measures to Alleviate Poverty in Rural and Urban Areas	Annual	3 days
Environment and Natural Resources Development	Annual	3 days
Transport, Communications, Tourism and Infrastructure Development	Annual	3 days
Statistics	Biennial	3 days

The Special Body on Least Developed and Landlocked Developing Countries and the Special Body on Pacific Island Developing Countries should be retained and reinvigorated. The sessions of the Special Bodies should be held for a maximum of two days biennially, one each in alternate years, back-to-back with the annual sessions of the Commission.

In order to facilitate its work, the Committee on Regional Economic Cooperation shall have a high-level Steering Group, which will meet annually for a maximum duration of three days. The Steering Group shall set its own agenda and organize its own work procedures under the overall direction of the Committee.

3. Ad hoc ministerial conferences

(a) Subject to the approval of the Commission, ad hoc ministerial conferences on specific issues may be organized but, starting in 1998, no more than one such conference should be held per year;

(b) In those years when a ministerial conference is held to cover issues normally discussed in a corresponding committee or special body, that committee or special body shall not be convened.

4. Ad hoc intergovernmental meetings

(a) Ad hoc intergovernmental meetings may be convened, with the prior approval of the Commission, to carry out a detailed examination of substantive and priority issues, including relevant cross-sectoral issues;

(b) No more than five such intergovernmental meetings may be held during a calendar year, and the total number of days should not exceed twenty-five.

5. Advisory Committee of Permanent Representatives and Other Representatives Designated by Members of the Commission

The functions of the Advisory Committee of Permanent Representatives and Other Representatives Designated by Members of the Commission shall be in accordance with the terms of reference contained in annex I to the present resolution. It shall examine ways to enhance and improve its ability to advise and assist the Executive Secretary in drawing up proposals for the medium-term plan, the programme budget, and the work programme priorities and resource allocation, consistent with the guidelines provided by the Commission, and to monitor and evaluate the implementation, outcome and effectiveness of the Commission's programme of work in accordance with paragraphs 2 and 3 of the terms of reference of the Advisory Committee, and to report back to the Commission at its fifty-fourth session.

6. Existing bodies under the auspices of the Commission

The following bodies under the auspices of the Commission shall continue to function as prescribed in their respective statutes and terms of reference:

(i) Asian and Pacific Centre for Transfer of Technology;

(ii) Regional Coordination Centre for Research and Development of Coarse Grains, Pulses, Roots and Tuber Crops in the Humid Tropics of Asia and the Pacific;

(iii) Statistical Institute for Asia and the Pacific.

7. General provisions

(a) Functions. The functions of the committees and special bodies are specified in their respective terms of reference in annexes II-VIII to the present resolution. Committees should select priority issues and focus on well-defined problems in order to show tangible results within specified time-frames;

(b) Rules of procedure. Unless otherwise specified by the Commission, the rules of procedure of the Commission, including those pertaining to the decision-making process, shall apply *mutatis mutandis* to the committees and special bodies;

(c) Informal session. An informal session among the heads of delegations during the ministerial segment of each Commission session should be organized on a year-by-year basis and should not be institutionalized. The agenda for the informal session should be decided by consensus and the annotated agenda should reach members at least thirty days before the opening of the session to ensure the efficiency and effectiveness of the session. Simultaneous interpretation should also be provided;

2. Invites the Executive Secretary, under the direction of the Secretary-General and in conformity with the goal of maximizing the impact of the United Nations in the field of economic and social development, to reorganize the secretariat so as to enhance its ability to service the subsidiary structure of the Commission and implement its revised programme of work under the framework of the medium-term plan for the period 1998-2001;

3. Requests the Executive Secretary to inform the Governments of members and associate members about the preliminary assessment of the organizational, staffing and financial implications of the revision of the intergovernmental structure subsidiary to the Commission within the next six months;

4. Also requests the Executive Secretary to report to the Commission at subsequent sessions on the implementation of the present resolution and on the impact and effectiveness of the revised conference structure, including its thematic priorities and its subsidiary structure;

5. Further requests the Executive Secretary to inform members and associate members, through the Advisory Committee of Permanent Representatives and Other Representatives Designated by Members of the Commission, of the progress made by the Commission towards the implementation of General Assembly resolution 50/227 of 24 May 1996;

6. Commends the secretariat on the implementation of General Assembly resolutions establishing language arrangements for the official working languages of the Commission, and urges the Executive Secretary to continue his efforts to monitor closely the strict implementation of General Assembly resolution 50/11;

7. Decides to review the conference structure of the Commission, including its thematic priorities and its subsidiary structure, no later than at its substantive session of 2002.

Annex I

TERMS OF REFERENCE OF THE ADVISORY COMMITTEE OF PERMANENT REPRESENTATIVES AND OTHER REPRESENTATIVES DESIGNATED BY MEMBERS OF THE COMMISSION

The Advisory Committee of Permanent Representatives and Other Representatives Designated by Members of the Commission shall have the following functions:

1. To maintain close cooperation and consultation between the members and the secretariat of the Commission.

2. To advise and assist the Executive Secretary in drawing up proposals for the medium-term plan, programme budget and priorities, consistent with the guidelines provided by the Commission.

3. To receive, on a regular basis, information on the administrative and financial functioning of the Commission and to assist and advise the Executive Secretary in monitoring and evaluating the implementation of the Commission's programme of work.

4. To review the draft calendar of meetings prior to its submission to the Commission.

5. To exchange views with the Executive Secretary on the provisional agenda for each session of the Commission, bearing in mind chapter II of its rules of procedure.

6. To assist the secretariat in the formulation of the annotated provisional agenda for each session of the Commission before it is finalized.

7. To monitor the functioning of the thematic approach and the implementation of activities under it in order to provide an assessment of the thematic approach and to suggest to the Commission, at the appropriate time, potential modifications to or changes of the themes.

8. To carry out any other tasks to be entrusted to it by the Commission.

Annex II

TERMS OF REFERENCE OF THE COMMITTEE ON REGIONAL ECONOMIC COOPERATION

The economic growth process in the Asia and Pacific region is characterized by increasing interdependence of its economies leading to a growing trend towards regional economic cooperation. The potential for enhanced cooperation will be realized more fully through the promotion and expansion of intraregional and inter-subregional trade and investment flows, technology development and transfer, and industrial production linkages, all of which are strongly encouraged by the diversity and increasing complementarity of the region's economies. There is, in addition, the imperative of such enhanced regional economic cooperation for spreading the growth impulse more widely across the region and mainstreaming the least developed, landlocked and Pacific island developing countries as well as economies in transition.

Under the overall supervision of the Commission, the Committee would:

1. Review and analyse global and regional trends and developments that have an impact on areas such as intraregional trade, investment, technology and financial flows, enterprise development, trade efficiency, information technology, industrial restructuring and relocation, and technological development and transfer.

2. Serve as a mobilizer of ideas and a catalyst for action to promote regional economic cooperation by identifying and addressing major development issues and regional concerns and priorities in trade, investment, financial, information technology, industrial and technological areas, and recommend policy options and measures to achieve tangible results and enhance national capacities to meet new challenges.

3. Review the implementation and effectiveness of the programme of work of the secretariat and make recommendations to the Commission about future programmes of work, and in this process ensure that cross-sectoral issues such as special concerns of the least developed, landlocked and Pacific island developing countries and economies in transition, the environment, human resources development and women in development are adequately addressed.

4. Strengthen the cooperative relationship with relevant subregional organizations to promote intra-subregional and inter-subregional cooperation and linkages through the interchange of information and experiences and, in response to articulated needs, through the promotion of growth triangles and quadrangles or other special mechanisms and arrangements.

5. Accelerate follow-up to the decisions and recommendations of global conferences relevant to the work of the Committee, at the national, subregional and regional levels; and evaluate progress and provide guidance on the implementation of regional action programmes.

6. Promote liaison with development agencies and financial institutions, private sector organizations, non-governmental organizations, and donor countries, within and outside the region, in its initiatives and activities to promote regional economic cooperation.

7. Promote liaison with relevant agencies of the United Nations system, with a view to minimizing overlapping and duplication, and strengthening cooperation with other organizations and other bodies at the subregional, regional and global levels to maximize the effectiveness and impact of the Commission's activities.

8. Work closely with other subsidiary organs of the Commission and coordinate its activities with them.

9. Carry out such other activities as the Commission may direct from time to time in matters relating to regional economic cooperation.

Within the context of its terms of reference, the Committee should identify the tasks to be undertaken during a specified period. The Committee should indicate the outcomes expected from each task, set a time-frame for the achievement of each task and monitor its implementation and effectiveness.

The Committee shall be composed of all members and associate members of the Commission.

The Committee shall meet biennially and its report will be submitted as a background document to facilitate discussion on regional economic cooperation at the Commission sessions.

The Committee shall have a high-level Steering Group to develop innovative approaches and facilitate exchange of views on pre-selected issues of current interest, among a cross-section of representatives of government, academia and the private sector, in order to have in-depth discussion on a range of options on regional economic cooperation and make specific recommendations. Its membership shall be drawn from members and associate members on a voluntary basis. Subject to the approval of members and associate members by consensus, representatives of development agencies, financial institutions, private sector organizations and non-governmental organizations may be invited to meetings of the Steering Group to fulfil its role as a "think tank".

The Steering Group shall meet annually and its report shall be submitted to the Committee. In the years the Committee does not meet, issues discussed and recommendations made by the Steering Group could also be submitted directly to the Commission for its consideration.

Annex III

TERMS OF REFERENCE OF THE COMMITTEE ON SOCIO-ECONOMIC MEASURES TO ALLEVIATE POVERTY IN RURAL AND URBAN AREAS

Poverty remains a most important issue in developing countries of the Asia and Pacific region, which must be addressed in a holistic and integrated manner. Hence, poverty alleviation is a major focus of assistance to countries in their attempts to achieve economic growth and improve the quality of life in the context of sustainable development and the emerging global economy. The Committee on Socio-economic Measures to Alleviate Poverty in Rural and Urban Areas would therefore serve as a regional forum for the identification of social and economic development issues directly related to the alleviation of poverty, and the development of appropriate strategies and policies to improve the quality of life of the poor.

Under the overall supervision of the Commission, the Committee would:

1. Review and analyse the global and regional trends and developments that have an impact on the poverty situation in the region, with a focus on their correlates in both the rural and urban contexts, and recommend development policy options and programme strategies.

2. Serve as a mobilizer of ideas and a catalyst for action in undertaking measures aimed at alleviating poverty in both rural and urban areas through the promotion of people's participation, including that of women and socially and economically disadvantaged groups, and capacity-building of national and local institutions and communities as well as human resources development and other means. Specifically, the Committee will recommend policy options and identify programmes that would address population issues and concerns; social development issues and concerns; human resources development; women in development; increased access to employment, education, health, shelter and credit; agricultural growth, especially through environmentally friendly inputs; the use of appropriate technologies; devolution of authority and participatory urban management and governance.

3. Accelerate follow-up to the decisions and recommendations of global conferences at the national, subregional and regional levels; monitor and evaluate progress in their implementation and provide guidance on the implementation of the regional action programmes relevant to the work of the Committee, inter alia, on population, social development, human resources development, rural development, women and urbanization.

4. Review the implementation and effectiveness of the programme of work of the secretariat and make recommendations to the Commission about future programmes of work, and in this process ensure that cross-sectoral issues such as special concerns of the least developed, landlocked and Pacific island developing countries and economies in transition, the environment, human resources development and women in development are adequately addressed.

5. Promote liaison with development agencies and financial institutions, private sector organizations, non-governmental organizations, and donor countries, within and outside the region, in its efforts and initiatives to deal with the issues of poverty alleviation in both rural and urban areas.

6. Work closely with other subsidiary organs of the Commission and coordinate its activities with them.

7. Carry out such other activities as the Commission may direct from time to time in matters relating to poverty alleviation.

8. Promote liaison with relevant agencies of the United Nations system, with a view to minimizing overlapping and duplication, and strengthening cooperation with other organizations and other bodies at the subregional, regional and global levels to maximize the effectiveness and impact of the Commission's activities.

Within the context of its terms of reference, the Committee should identify the tasks to be undertaken during a specified period. The Committee should indicate the outcomes expected from each task, set a time-frame for the achievement of each task and monitor its implementation and effectiveness.

The Committee shall meet annually, focusing on a limited number of pre-selected issues, and shall report to the Commission.

Annex IV

TERMS OF REFERENCE OF THE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES DEVELOPMENT

The main objectives of the Committee on Environment and Natural Resources Development will be to promote regional and subregional cooperation for sustainable development and to strengthen national capacities in the field of the environment, including integration of environmental concerns into development strategies, in line with the provisions of Agenda 21 and other subsequent decisions; development and management of natural resources, including water, mineral and energy resources (excluding infrastructural aspects of electric power); diffusion and management of environmentally sound technologies; space technology applications; and natural disaster reduction.

Under the overall supervision of the Commission, the Committee shall perform the following specific functions:

1. Review and assess the state of the environment in the region and, where a regional perspective on the issues provides a clear advantage, highlight the major environmental concerns with a view to encouraging the integration of environmental concerns into development policies, strategies, plans and programmes of members and associate members, at both the macroeconomic and sectoral levels.

2. Review and identify priority issues, assess progress, and promote regional and subregional cooperation in the development and management of water, mineral and energy resources and in the application of space technologies, keeping in view the need for ensuring sustainable development; and make recommendations on policies, strategies, methods and techniques for the proper investigation, development, utilization and management of those resources.

3. Promote regional and subregional cooperation in environmental protection and natural disaster reduction, and encourage members and associate members to undertake their assessment of risks from natural hazards and to integrate the outcomes of such assessments into their development plans.

4. Promote opportunities for and provide guidance on the transfer and adoption of environmentally sound technologies and their diffusion, as well as

on management and operational practices to contribute to the strengthening of national capacities in achieving sustainable development.

5. Encourage the setting of standards and the strengthening of legal frameworks for the development and management of natural resources, and promote the application of environmental safeguards in manufacturing and product development.

6. Review the salient issues in the regional strategies and action programmes emerging from recent global conferences, international conventions and agreements; monitor the implementation of Agenda 21 at the regional level; and articulate the region's response to relevant global initiatives, ensuring that such initiatives support the development of the region.

7. Review the implementation and effectiveness of the programme of work of the secretariat and make recommendations to the Commission about future programmes of work, and in this process ensure that cross-sectoral issues such as special concerns of the least developed, landlocked and Pacific island developing countries and economies in transition, human resources development and women in development are adequately addressed.

8. Promote liaison with relevant agencies of the United Nations system, with a view to minimizing overlapping and duplication, and strengthen cooperation with other organizations and other bodies at the subregional, regional and global levels to maximize the effectiveness and impact of the Commission's activities.

9. Work closely with other subsidiary organs of the Commission and coordinate its activities with them.

10. Carry out such other activities as the Commission may direct from time to time in matters relating to the environment and natural resources development.

Within the context of its terms of reference, the Committee should identify the tasks to be undertaken during a specified period. The Committee should indicate the outcomes expected from each task, set a time-frame for the achievement of each task and monitor its implementation and effectiveness.

The Committee shall meet annually, focusing on a limited number of pre-selected areas on a rotating basis, and shall report to the Commission.

Annex V

TERMS OF REFERENCE OF THE COMMITTEE ON TRANSPORT, COMMUNICATIONS, TOURISM AND INFRASTRUCTURE DEVELOPMENT

The rapid growth in regional economies, trade and tourism is placing considerable strain on infrastructure facilities and services. It is also highlighting the importance of intraregional and interregional transport linkages as well as appropriate facilitation measures to ensure efficient utilization of regional linkages.

In the context of these developments, the Committee will address the following areas: roads, railways, urban transport, ports, shipping, inland waterways, dredging, multimodal transport (including freight forwarding), tourism and the infrastructural aspects of electric power.

Under the overall supervision of the Commission, the Committee would:

1. Review and analyse global and regional trends and developments that have an impact on transport, communications, tourism and infrastructure development in the Asia and Pacific region.

2. Serve as a mobilizer of ideas and a catalyst for action in the transport, communications, tourism and infrastructure development sectors; recommend policy options to achieve tangible results in improving the efficient provision, management, operation, maintenance and pricing of transport, tourism facilities, infrastructure and services, taking into account equity, safety and environmental considerations; promote intraregional and interregional transport linkages, in particular the Asian Highway and Trans-Asian Railway, services, facilitation measures and tourism; and enhance national capacities.

3. Accelerate follow-up to the decisions and recommendations of global conferences at the national, subregional and regional levels; evaluate progress and provide guidance on the implementation of the New Delhi Action Plan on Infrastructure Development in Asia and the Pacific being coordinated by the Commission. In this connection, aspects of work on civil aviation, telecommunications and postal services carried out by the specialized agencies in relation to the implementation of the Action Plan would also be addressed by the Committee.

4. Promote liaison with international financing institutions, concerned private sector organizations and non-governmental organizations to assist in the development of transport, communications, tourism and electric power infrastructure and services.

5. Review the implementation and effectiveness of the programme of work of the secretariat, and make recommendations to the Commission about future programmes of work, and in this process ensure that cross-sectoral issues such as the special concerns of the least developed, landlocked and Pacific island developing countries and economies in transition, the environment, human resources development, socially and economically disadvantaged groups and women in development are adequately addressed.

6. Work closely with other subsidiary organs of the Commission and coordinate its activities with them.

7. Promote liaison with relevant agencies of the United Nations system, with a view to minimizing overlapping and duplication, and strengthening cooperation with other organizations and other bodies at the subregional, regional and global levels to maximize the effectiveness and impact of the Commission's activities.

8. Carry out such other activities as the Commission may direct from time to time in matters relating to transport, communications, tourism and infrastructure development.

Within the context of its terms of reference, the Committee should identify the tasks to be undertaken during a specified period. The Committee should indicate the outcomes expected from each task, set a time-frame for the achievement of each task and monitor its implementation and effectiveness.

The Committee shall meet annually, focusing on specific pre-selected sectors, and present its report to the Commission as a background document to facilitate discussion.

Annex VI

TERMS OF REFERENCE OF THE COMMITTEE ON STATISTICS

The Committee on Statistics, in acting as the focus of regional statistical development, shall perform the following functions:

1. Review and analyse progress in the development of statistics in the region.

2. Assist in the strengthening of the statistical infrastructure in the countries of the region, promote the improvement of the quality of statistics, the international comparability of data and the appropriate application of new techniques, provide guidance in meeting emerging data requirements, and arrange for the exchange of information on and experiences in statistical work and methods among the countries.

3. Promote observance of the fundamental principles of official statistics adopted by the United Nations Statistical Commission at its special session in 1994.

4. Participate actively in the initiation, development, revision, testing and implementation of international statistical standards, promote and monitor their application, and promote their adaptation, as appropriate, to the conditions and needs of the countries of the region.

5. Play the focal role in promoting close coordination of all aspects of the statistical activities of specialized agencies, relevant United Nations bodies and other international organizations in regard to their work in the Asia and Pacific region, *inter alia* so as to achieve greater uniformity in concepts and definitions, reduce to a minimum the response burden on national statistical offices, and maximize the effectiveness of technical cooperation activities.

6. Promote the generation and analysis of statistical data and encourage, with due regard to relevant international work, efforts to develop a set of standardized statistical indicators for the region relevant to the programme of work of the Commission.

7. Recommend programmes of technical assistance, training, education and research in the various fields of statistics and their application.

8. Review and analyse progress in the development of information technology applications and information resource management in the region, especially in the public sector, and make recommendations on issues concerning policies and strategies, as well as on programmes of technical assistance, training and research in this field.

9. Review and evaluate the activities of the secretariat and the implementation and effectiveness of the programme of work in the areas of statistics and computerized information processing, provide guidance on the work of the secretariat, and make recommendations to the Commission about the future

programme of work, paying due regard to the recommendations of the United Nations Statistical Commission and other relevant bodies.

10. Make recommendations to the Governing Board of the Statistical Institute for Asia and the Pacific on the nature of and priorities in statistical training for the countries of the region.

11. Inform the United Nations Statistical Commission and, where appropriate, the statistical authorities of the specialized agencies and other relevant bodies, of its work, so that due attention may be given to the wider aspects of the issues considered by the Committee.

12. Work closely with other subsidiary organs of the Economic and Social Commission for Asia and the Pacific, coordinate activities with them, and ensure that cross-sectoral issues such as the special concerns of the least developed, landlocked, Pacific island developing countries and economies in transition, the environment, human resources development and women in development are adequately addressed.

13. Carry out such other activities as the Commission may direct from time to time in matters relating to statistics.

Within the context of the above terms of reference, the Committee shall identify the tasks to be undertaken during a specified period. The Committee should indicate the outcomes expected from each task, set a time-frame for the achievement of each task and monitor its implementation and effectiveness.

The Committee shall meet once every two years and shall report to the Commission.

Annex VII

TERMS OF REFERENCE OF THE SPECIAL BODY ON LEAST DEVELOPED AND LANDLOCKED DEVELOPING COUNTRIES

The special problems and constraints on the economic and social development of the least developed and landlocked developing countries have been recognized by the international community, and also within the context of the Programme of Action for the Least Developed Countries for the 1990s, the International Development Strategy for the Fourth United Nations Development Decade and other international declarations. These constraints require focused priority attention in the Asia and Pacific region in order to mainstream them into the ongoing regional integration process and to associate them with the economic and social dynamism of the region. The Special Body on Least Developed and Landlocked Developing Countries provides a focused forum for addressing the special issues and problems facing these groups of countries in the spirit of regional cooperation.

Under the overall supervision of the Commission, the Special Body will:

1. Review and analyse the economic and social progress in the least developed and landlocked developing countries and undertake in-depth reviews of economic, social and environmental constraints on the development of least developed and landlocked developing countries.

2. Serve as a mobilizer of ideas and a catalyst for action to identify and promote new policy options at the national, subregional and regional levels for the removal of constraints on the economic and social development efforts of these countries, with emphasis on the adoption of measures for increased mobilization of domestic and foreign resources, trade and private sector development, public sector reform, and provision of economic advice, on request, to Governments with limited internal capacity.

3. Assist in enhancing national capacities in least developed and landlocked developing countries, inter alia in relation to the formulation of development strategies at the national and sectoral levels.

4. Foster and strengthen intercountry cooperation arrangements for exchanges of experience and technical cooperation between and among the least developed and landlocked countries and with other developing and developed countries in the region.

5. Without duplicating work done elsewhere, review and analyse the special transit trade and transport problems of Asian landlocked developing countries, recommend suitable measures for solving these problems in accordance with international legal instruments, in particular article 125 of the United Nations Convention on the Law of the Sea, and encourage the Asian landlocked developing countries and their transit neighbours to deal with problems within the context of bilateral cooperation.

6. Promote liaison with development agencies and financial institutions, private sector organizations, non-governmental organizations and donor countries within and outside the region, in its initiatives and activities for the benefit of the least developed and landlocked developing countries.

7. Review the implementation and effectiveness of the programme of work of the secretariat and make recommendations to the Commission about future programmes of work, and in this process, ensure that cross-sectoral issues such as the environment, human resources development and women in development are adequately addressed.

8. Accelerate follow-up to the decisions and recommendations of global conferences on the least developed countries at the national, subregional and regional levels, in particular the Programme of Action for the Least Developed Countries for the 1990s and any successor programme.

9. Promote liaison with relevant agencies of the United Nations system, with a view to minimizing overlapping and duplication, and strengthening cooperation with other organizations and other bodies at the subregional, regional and global levels to maximize the effectiveness and impact of the Commission's activities.

10. Work closely with other subsidiary organs of the Commission and coordinate its activities with them.

11. Carry out such other functions as the Commission may direct from time to time in matters relating to least developed and landlocked developing countries.

Within the context of its terms of reference, the Special Body should identify the tasks to be undertaken during a specified period. The Special Body should indicate the outcomes expected from each task, set a time-frame for the achievement of each task and monitor its implementation and effectiveness.

The Special Body shall meet biennially for two days, back-to-back with the Commission sessions, in alternate years with the Special Body on Pacific Island Developing Countries.

Annex VIII

TERMS OF REFERENCE OF THE SPECIAL BODY ON PACIFIC ISLAND DEVELOPING COUNTRIES

The special problems and constraints on the economic and social development of the Pacific island developing countries related to their isolation, small size and vulnerability to environmental hazards have been recognized by the international community, and also within the context of the Programme of Action for the Sustainable Development of Small Island Developing States and other international declarations. These constraints require focused priority attention in order to mainstream them into the ongoing regional integration process and to associate them with the economic and social dynamism of the region. The Special Body on Pacific Island Developing Countries provides a focused forum for addressing the special issues and problems facing this group of countries in the spirit of regional cooperation.

Under the overall supervision of the Commission, the Special Body will:

1. Review and analyse the economic and social progress in the Pacific island developing countries and undertake in-depth reviews of economic, social and environmental constraints on their development.

2. Serve as a mobilizer of ideas and a catalyst for action to identify and promote new policy options at the national, subregional and regional levels for the removal of constraints on the economic and social development efforts of these countries.

3. Assist in enhancing national capacities of Pacific island developing countries, including in relation to the formulation of development strategies at the national and sectoral levels.

4. Foster and strengthen intercountry and inter-subregional cooperation arrangements for exchanges of experience and technical cooperation between and among the Pacific island developing countries and with other developing and developed countries in the region.

5. Promote liaison, particularly through the Pacific Operations Centre of the Commission, with development agencies and financial institutions, private sector organizations, non-governmental organizations and donor countries within and outside the region, in its initiatives and activities for the benefit of the Pacific island developing countries.

6. Review the implementation and effectiveness of the programme of work of the secretariat and make recommendations to the Commission about future programmes of work, and in this process, ensure that cross-sectoral issues such as the environment, human resources development and women in development are adequately addressed.

7. Accelerate follow-up to the decisions and recommendations of global conferences on small island developing countries at the national, subregional and regional levels, in particular the Programme of Action for the Sustainable Development of Small Island Developing States.

8. Promote liaison with relevant agencies of the United Nations system, with a view to minimizing overlapping and duplication, and strengthening cooperation with other organizations and bodies at the subregional, regional and global levels to maximize the effectiveness and impact of the Commission's activities.

9. Work closely with other subsidiary organs of the Commission and coordinate its activities with them.

10. Carry out such other functions as the Commission may direct from time to time in matters relating to Pacific island developing countries.

Within the context of its terms of reference, the Special Body should identify the tasks to be undertaken during a specified period. The Special Body should indicate the outcomes expected from each task, set a time-frame for the achievement of each task and monitor its implementation and effectiveness.

The Special Body shall meet for two days biennially, back-to-back with the annual sessions of the Commission, in alternate years with the Special Body on Least Developed and Landlocked Developing Countries.

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1997/5. Reform of the intergovernmental machinery of the Economic Commission for Africa

The Economic and Social Council,

Recalling the various resolutions that have implications for the mandate and operations of the Economic Commission for Africa, in particular, General Assembly resolutions 32/197 of 20 December 1977 and 33/202 of 29 January 1979 on the restructuring of the economic and social sectors of the United Nations system and Assembly resolution 44/211 of 22 December 1989,

Recalling also resolution 618 (XXII) of 24 April 1987 of the Conference of Ministers of the Economic Commission for Africa on the in-depth study of the United Nations intergovernmental structure and functions in the economic and social fields,

Recalling further General Assembly resolutions 45/177 of 19 December 1990, 45/264 of 13 May 1991, 46/235 of 13 April 1992 and 50/227 of 24 May 1996 on the restructuring and revitalization of the United Nations in the economic, social and related fields, by which the regional commissions should be enabled fully to play their role under the authority of the General Assembly and the Economic and Social Council,

Bearing in mind resolution 809 (XXXI) of 8 May 1996 of the Conference of Ministers of the Economic Commission for Africa on the new strategic directions for the Commission, Having taken note of the new policy and programme orientation of the Commission as well as the steps being taken to restructure the secretariat, and conscious of the need to align the intergovernmental machinery to this new orientation in order to enable the Commission to address the emerging challenges and priorities of the region effectively,

Having reviewed the existing intergovernmental machinery of the Commission,

Decides that the structure and functioning of the intergovernmental machinery of the Commission should be as follows:

A. Organs dealing with overall development issues

1. Conference of African Ministers responsible for Economic and Social Development and Planning (the Commission) and the Technical Preparatory Committee of the Whole

The Conference of African Ministers responsible for Economic and Social Development and Planning (the Commission) will provide legislative mandates and policy guidance for the work of the Commission; consider and endorse the work programmes of the Commission; serve as a forum for articulating Africa's position on development issues on the agenda of the United Nations; and decide upon the recommendations of its subsidiary bodies and of the Executive Secretary.

Since the mandate of the Conference encompasses the whole spectrum of development issues - economic as well as social - it will assume the legislative responsibilities previously assigned to the Conference of African Ministers responsible for Human Development, which will be abolished.

The Conference will meet biennially. Its next session will be held in 1999. The Bureau of the Commission will be expanded, so that it will have a representative from each of the five subregions of the continent - North, East, Southern, West and Central Africa. It will consist of a chairman, three vice-chairmen and one rapporteur.

A Follow-up Committee is hereby established. It will be composed of the members of the incoming and outgoing bureaux of the Commission. It will meet as often as necessary but at least once in inter-sessional years to review Commission affairs and progress in the implementation of decisions.

The meetings of the Follow-up Committee will be convened by the Executive Secretary in consultation with the Chairman of the Commission as and when necessary.

The Technical Preparatory Committee of the Whole will continue to provide technical support to the Conference and will meet before each session of the Conference.

2. Intergovernmental Committees of Experts of the Subregional Development Centres

The five Intergovernmental Committees of Experts of the Subregional Development Centres will meet annually and report to the Commission through the Technical Preparatory Committee of the Whole. In the years when the Commission does not meet, the reports of the Committees will be presented to the Follow-up Committee of the Bureau. The Committees will oversee the overall formulation and implementation of the programme of work and priorities of the Subregional Development Centres and make recommendations on important issues concerning economic and social development in their respective subregions, as well as on the promotion and strengthening of subregional economic cooperation and integration.

3. Conference of African Ministers of Finance

The Conference of African Ministers of Finance will be retained. It will be convened biennially in alternate years to the Conference of African Ministers responsible for Economic and Social Development and Planning (the Commission). The Conference will have a committee of experts to prepare for its meetings, which will be convened before each session of the Conference of African Ministers of Finance.

B. Subsidiary bodies to be created or retained

1. Committee on Women and Development

The Africa Regional Coordinating Committee for the Integration of Women in Development, which will be renamed "Committee on Women and Development", will be retained and will continue to play its role as an advisory forum of experts and policy makers, providing guidance to the Commission in its work on the advancement of women. It will also provide a platform for advocacy and assessing follow-up and implementation by African Governments of the global and regional platforms for action for the advancement of women. In particular, it will address issues relating to the economic empowerment of women, the protection of their legal and human rights and improved access to education and health. It will meet biennially.

2. Committee on Development Information

As the Economic Commission for Africa strengthens its role in assisting member States in developing their national information and communication infrastructure, it needs a body that brings together experts and policy makers to advise it in this area. The beginnings of such a body exist in the high-level working group that helped to articulate the African Information Society Initiative, an action framework to build Africa's information and communication infrastructure, and in the African Technical Advisory Committee of Experts on Information Infrastructure, which was established to provide advice on the implementation of the Initiative. The Committee on Development Information will build on the work of these bodies as well as of the Joint Conference of African Planners, Statisticians, Population and Information Specialists.

The Committee on Development Information will include experts from such fields as planning, statistics and geographical information systems as well as information specialists. The Committee will meet biennially.

3. Committee on Sustainable Development

The Committee on Sustainable Development will serve as a forum of experts that will provide advice to the Commission in the interlinked areas of food security, population, environment and human settlements. It will provide a platform for advocacy and the assessment of follow-up activities by African Governments to regional and global plans of actions, namely the African Common Position on Environment and Development, the African Common Position for Habitat II, the Dakar/Ngor Declaration on Population, Family and Sustainable Development, Agenda 21, the Habitat Agenda, the Programme of Action of the International Conference on Population and Development and the World Food Summit Plan of Action and their implementation.

It will address specific measures to promote the protection and regeneration of the environment, enhance food security in Africa, promote sustainable human settlements and deal with issues arising from increased population growth. The Committee will meet biennially.

4. Committee on Human Development and Civil Society

The mission of the Committee on Human Development and Civil Society will be to help strengthen civil society and human development. It will enable the Commission to draw on the opinions of experts in the public and private sectors and civil society. The Committee will conduct development and follow-up activities pertaining to global and regional action programmes such as the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development and the African Charter for Popular Participation in Development and Transformation. It will review major trends and issues of regional interest regarding human development and civil society. It will assume the functions of the Ministerial Follow-up Committee of Fifteen of the Conference of African Ministers responsible for Human Development and will meet biennially.

5. Committee on Industry and Private Sector Development

The Committee on Industry and Private Sector Development will serve as a forum for addressing measures to strengthen the private sector. It will focus on such issues as improving public-private partnerships, stimulating private investment, and creating a sound legal and regulatory framework for business. The Committee will monitor and review progress in the industrialization of Africa and will identify and recommend measures for accelerating the process of industrialization in the region.

The Committee will assume some of the functions of the Conference of African Ministers of Industry. It will provide policy and strategy guidance for enhancing programme formulation in pursuit of various aspects of subregional and regional industrial development. It will also advise on strategies to facilitate Africa's industrial competitiveness through the promotion of complementarity and integration, taking into account global scientific and technological developments. It will be composed of experts representing each private sector group, such as chambers of commerce, manufacturers' associations, capital market forums, labour, and policy makers from relevant government departments. The Committee will meet biennially.

6. Committee on Natural Resources and Science and Technology

The Committee on Natural Resources and Science and Technology will assume the functions performed by the African Regional Conference on Science and Technology and the Conference of African Ministers responsible for the Development and Utilization of Mineral Resources and Energy. It will, however, be composed of experts in these fields.

The Committee will serve as a forum for the promotion of cooperation among African countries in the areas of science and technology and development and natural resources and for providing advice on science and technology issues relevant to the development of member States. It will meet biennially.

7. Committee on Regional Cooperation and Integration

The Committee on Regional Cooperation and Integration will assume some of the functions of the Conference of African Ministers of Trade and Regional Cooperation and Integration. Because of the important role trade plays in regional cooperation and integration, the main focus of this work will be trade - intra-African and international trade. The Committee will be composed of experts in the field of international trade and integration drawn from government as well as the private sector.

In addition, the Committee will promote the implementation of measures designed to strengthen economic cooperation and integration among African countries; assist African countries and their intergovernmental organizations in making the policy instruments for economic cooperation and integration of the African region more effective; and identify measures to coordinate and harmonize micro- and macroeconomic policies among African countries as a prerequisite for accelerating regional economic integration. It will meet biennially.

C. Conferences proposed for abolition

1. Conference of African Ministers responsible for Human Development

The Conference of African Ministers responsible for Human Development is abolished. Its legislative functions will be assumed by the Conference of African Ministers responsible for Economic and Social Development and Planning. The functions of its Ministerial Follow-up Committee of Fifteen will be subsumed by the Committee on Human Development and Civil Society.

2. Conference of African Ministers responsible for Sustainable Development and Environment

The Conference of African Ministers responsible for Sustainable Development and Environment (CAMSDE) was created in 1993, when the intergovernmental machinery of the Commission was restructured, with a view to providing legislative guidance for the Commission's work in the area of sustainable development and environment. Subsequently, it was found that its mandate duplicated that of the African Ministerial Conference on the Environment (AMCEN), which has a joint secretariat composed of the Economic Commission for Africa, the Organization of African Unity and the United Nations Environment Programme. Consequently, the Executive Secretary of the Economic Commission for

Africa was requested to undertake consultations on how to resolve the problem of duplication. The results of those consultations were presented to the Conference of Ministers of the Commission in May 1996. The abolition of the Conference of African Ministers responsible for Sustainable Development and Environment resolves the problem of duplication with the African Ministerial Conference on the Environment.

3. Conference of African Ministers of Trade and Regional Cooperation and Integration

This Conference is abolished to eliminate overlap with both the Economic and Social Commission of the African Economic Community and its Committee on Trade, Customs and Immigration. Some of the functions of this Conference will be assumed by the newly established Committee on Regional Cooperation and Integration.

4. Conference of African Ministers of Transport and Communications

This Conference will be abolished at the end of the Second United Nations Transport and Communications Decade in Africa in 1999. Thereafter, the African Economic Community's Committee on Transport, Communications and Tourism will become the regional forum for discussions on the relevant issues.

5. Conference of African Ministers of Industry

This Conference will be abolished at the end of the United Nations Second Industrial Development Decade for Africa in 2001. Thereafter, the African Economic Community's Committee on Industry, Science and Technology, Energy, Natural Resources and Environment will become the regional forum for discussions. The newly established Committee on Industry and Private Sector Development will also focus on industry in the broader context of private sector development.

D. Subsidiary bodies proposed for abolition

1. United Nations Regional Cartographic Conference for Africa

The functions of this Conference will be assumed by the Committee on Development Information.

2. African Regional Conference on Science and Technology

The functions of this Conference will be assumed by the Committee on Natural Resources and Science and Technology.

3. Joint Conference of African Planners, Statisticians, Population and Information Specialists

The functions of this Conference will be assumed by both the Committee on Sustainable Development and the Committee on Development Information.

E. Sectoral ministerial meetings

Although several sectoral ministerial meetings are proposed for abolition, the Commission will convene ministerial meetings on any issue as necessary.

Annex I

TERMS OF REFERENCE OF THE ORGANS OF THE ECONOMIC COMMISSION FOR AFRICA DEALING WITH OVERALL DEVELOPMENT ISSUES

1. Terms of reference of the Conference of African Ministers responsible for Economic and Social Development and Planning

The Conference of African Ministers responsible for Economic and Social Development and Planning shall have the following functions:

(a) Provide legislative mandates and policy guidance for the work of the Commission;

(b) Consider the programme of work and priorities of the Commission;

(c) Review and analyse the economic and social situation in the region;

(d) Identify and highlight the major economic and social development issues and concerns with a view to promoting policies and strategies for Africa's accelerated development;

(e) Suggest policy measures and actions for implementing various strategies and initiatives, including eliciting the support of the international community in support of that effort;

(f) Undertake periodic reviews of the follow-up to global conferences preparatory to the review and appraisal of the implementation of the relevant programmes of action of these conferences by the Economic and Social Council and the General Assembly;

(g) Conduct periodic reviews of the situation of the least developed countries and submit to the Economic and Social Council and the General Assembly, or any special conference, a report on the situation of the least developed countries in Africa;

(h) Encourage the establishment of appropriate mechanisms at the national, subregional and regional levels to promote the advancement of women;

(i) In close collaboration with the Organization of African Unity and the African Development Bank, assist member States in promoting regional cooperation and integration, in particular in the implementation of the Abuja Treaty establishing the African Economic Community;

(j) Foster policy coordination with the Organization of African Unity/African Economic Community on all international economic negotiations;

(k) Undertake a review of the work and the functioning of the subsidiary organs of the Commission;

(l) Review and assess the programme orientation of the secretariat and any recommendations submitted by the Executive Secretary.

2. Terms of reference of the Intergovernmental Committees of Experts of the Subregional Development Centres

The Intergovernmental Committee of Experts of the Subregional Development Centres shall have the following functions:

(a) Recommend strategies, policies, programmes and projects aimed at enhancing economic cooperation and integration within their respective subregions and with other African subregions, in conformity with the objectives of the African Economic Community;

(b) Submit to the Conference of Ministers of the Economic Commission for Africa the (biennial) draft work programmes of the Subregional Development Centres and suggest measures for the successful implementation of those work programmes. The latter should take into account the activities of the intergovernmental organizations with a view to supporting, not duplicating, them;

(c) Monitor through a continuous process and an appropriate mechanism the implementation of the approved work programmes of the Subregional Development Centres and report thereon to the Conference of Ministers of the Commission; in this regard, the Committees will consider the reports of the Follow-up Committees of the Subregional Development Centres;

(d) Review and analyse the economic and social conditions prevailing in their respective subregions with a view to making appropriate recommendations for measures likely to foster economic cooperation and integration among the countries concerned;

(e) Review and make subsequent recommendations on reports of sectoral meetings organized by or with the assistance of the Subregional Development Centres;

(f) Suggest measures aimed at mobilizing resources for the effective implementation of the programmes of the Subregional Development Centres;

(g) Carry out any duties assigned to them by the Conference of Ministers of the Commission in connection with their mandate;

(h) Establish liaison with other agencies, organizations and non-governmental organizations at the subregional, regional and global levels, and take into account their relevant recommendations;

(i) Make recommendations to the Conference of African Ministers responsible for Economic and Social Development and Planning.

3. Terms of reference of the Conference of African Ministers of Finance

The Conference of African Ministers of Finance shall have the following functions:

(a) Monitor and evaluate the impact of the international monetary and financial situation on the African economies and propose appropriate remedial action;

(b) Regularly assess the structure and magnitude of Africa's external debts, including the debt-servicing obligations of African countries, with a view to proposing effective measures to alleviate such debts;

(c) Review intra-African monetary and financial cooperation and suggest ways by which resource flows to Africa can be enhanced;

(d) Promote the exchange of information and the sharing of national experiences in dealing with monetary and financial matters;

(e) Devise strategies for strengthening Africa's position in international negotiations on monetary and financial issues.

Annex II

TERMS OF REFERENCE OF THE SUBSIDIARY BODIES OF THE ECONOMIC COMMISSION FOR AFRICA

1. Committee on Women and Development

The Committee on Women and Development shall have the following functions:

(a) Review periodically progress in the implementation of the global and regional platforms for action;

(b) Review and evaluate the activities carried out in the region in the framework of the relevant programmes for the advancement of women;

(c) Harmonize and coordinate the subregional programmes on women in development approved within the subregions;

(d) Report to the Conference of African Ministers responsible for Economic and Social Development and Planning (the Commission) on the activities and programmes on women in development covered at the subregional and regional levels;

(e) Mobilize resources for the implementation of the programmes of action agreed at the subregional and regional levels;

(f) Participate in the activities and meetings of the United Nations and other relevant bodies;

(g) Organize the exchange of information and experiences on policies regarding the advancement of women in member States.

2. Committee on Development Information

The Committee on Development Information shall have the following functions:

(a) Review and advise on the implementation of the African Information Society Initiative, an action framework for national information and communications infrastructure, with a view to suggesting measures to accelerate its implementation;

(b) Mobilize funding and technical assistance for the implementation of the African Information Society Initiative;

(c) Identify and suggest techniques for the application of geographical information for natural resource exploitation and management;

(d) Examine and advise on progress by member States in all aspects of statistical development;

(e) Advise on the establishment of arrangements for the improvement of all aspects of methodology and practice in the areas of statistics, information science and geographical information systems (remote sensing and cartography);

(f) Coordinate the training for African personnel in the areas of statistics, information science and geographical information systems.

3. Committee on Sustainable Development

The Committee on Sustainable Development shall have the following functions:

(a) Undertake periodic reviews of the implementation of regional and global programmes of action such as Agenda 21, the Programme of Action of the International Conference on Population and Development, the Habitat Agenda and the World Food Summit Plan of Action;

(b) Consider and make recommendations on a multidisciplinary approach to the implementation of the relevant programmes of action;

(c) Promote the formulation of policies and measures for environment protection, food security, improved human settlements and integration of population variables in development planning;

(d) Provide advice to the Commission in the formulation of activities for supporting member States in the interrelated areas of food security, population, environment and human settlements.

4. Committee on Human Development and Civil Society

The Committee on Human Development and Civil Society shall have the following functions:

(a) Assist member States in promoting measures to follow up the implementation of the regional and global programmes of action in social and human development and popular participation;

(b) Provide advice to the Commission in formulating its work programmes in the area of human development and popular participation;

(c) Encourage the integration of social and human dimensions into development policies, plans and programmes at both macroeconomic and sectoral levels;

(d) Identify and highlight the major economic and social development issues and concerns with a view to promoting policies and strategies for human development and popular participation in development.

5. Committee on Industry and Private Sector Development

The Committee on Industry and Private Sector Development shall have the following functions:

(a) Assist the Commission in the articulation of strategies and programmes for private sector development;

(b) Undertake periodic reviews and assessment of progress in implementing strategies for private sector development;

(c) Provide advice to the Commission on orienting its work programme to give support to member States in fostering private sector development;

(d) Provide a forum where representatives of government and the private sector can share experiences and exchange information on best practices relating to support policy measures for private sector development;

(e) Review and monitor progress in industrialization in Africa;

(f) Identify and recommend measures for accelerating the process of industrialization in the region:

(i) Provide advice and information that will enable the Commission to formulate strategies for subregional and/or regional industrial integration;

(ii) Provide the Commission with advice on how best to assist member States in facilitating industrial development, including their promotion of industrial restructuring programmes;

(g) Periodically assess progress made in the process of industrialization and in the implementation of integration strategies.

6. Committee on Natural Resources, Science and Technology

The Committee on Natural Resources, Science and Technology shall have the following functions:

(a) Promote measures to facilitate cooperation among African countries in the areas of natural resources, science and technology;

(b) Provide a forum for exchange of information and sharing experiences in these areas;

(c) Assist the Commission in the formulation of programmes for the development and application of science and technology;

(d) Advise the Commission on ways to strengthen its support to member States in the area of natural resources management.

7. Committee on Regional Cooperation and Integration

The Committee on Regional Cooperation and Integration shall have the following functions:

(a) Undertake periodic review and assessment of Africa's trading position in the world economy;

(b) Identify and highlight major opportunities and constraints in trade and investment for African countries;

(c) Enhance the African trade sector through the adoption of appropriate measures, policies and strategies for the expansion of regional and external trade;

(d) In close collaboration with the Organization of African Unity/African Economic Community, promote the implementation of measures designed to strengthen economic cooperation and integration among African countries;

(e) Assist African countries and their intergovernmental organizations in making more effective the policy instruments for economic cooperation and integration in Africa;

(f) In close collaboration with the Intergovernmental Committees of Experts of the Subregional Development Centres, assist the member States of the Subregional Development Centres and their intergovernmental organizations in strengthening the existing institutional machinery for subregional economic cooperation and integration, as well as strengthening existing institutions for subregional trade cooperation, within the framework of the Abuja Treaty;

(g) Identify measures to coordinate and harmonize micro- and macroeconomic policy among African countries as a prerequisite for accelerating regional economic integration.

34th plenary meeting
18 July 1997

1997/6. Programme of work and priorities of the Economic Commission for Africa for the biennium 1998-1999

The Economic and Social Council,

Recalling General Assembly resolution 41/203 of 11 December 1986 and subsequent relevant resolutions on programme planning,

Recalling further resolution 809 (XXXI) of 8 May 1996 of the Conference of Ministers of the Economic Commission for Africa on new directions for the Commission, and endorsing, in particular, the new orientations of the Commission as outlined in the document entitled "Serving Africa better: strategic directions for the Economic Commission for Africa",[16] as well as in the medium-term plan for the period 1998-2001,

Taking note of the Commission's programme of work for 1997 as revised in compliance with paragraph 5 of resolution 809 (XXXI) of the Conference of Ministers of the Economic Commission for Africa, in which the Executive Secretary was requested to revise, in close collaboration with the Bureau of the Commission, the 1996-1997 work programme,

Having examined the proposed programme of work and priorities for the biennium 1998-1999,[17]

Taking note of the new programme structure, which is characterized by congruence between organizational and programme structures, a reduction in the number of subprogrammes and the clustering of closely related activities under a single subprogramme to foster synergy and achieve greater efficiency and impact in the delivery of services,

Convinced that the proposals contained in the proposed programme of work and priorities for the biennium 1998-1999 will make a significant contribution to Africa's economic and social development,

1. Endorses the programme of work and priorities of the Commission for the biennium 1998-1999[17] as amended;

2. Requests the Secretary-General, in making his proposals for the 1998-1999 programme budget, to give special consideration to the development needs of the African region by providing the Commission with adequate resources to enable it to carry out fully the reforms already embarked upon;

3. Calls upon the General Assembly and its Second and Fifth Committees to ensure that adequate resources are made available to the Commission for the implementation of the work programme of the Commission;

4. Requests the Executive Secretary of the Commission to ensure that the implementation of the work programme is guided by the same principles that have underpinned reform and renewal at the Economic Commission for Africa: professional excellence, cost-effectiveness in product management and programme delivery, and effective partnerships with African regional organizations, the organizations of the United Nations system, and other multilateral and bilateral donors in support of Africa's development;

5. Commends the secretariat of the Economic Commission for Africa for the innovative approach it adopted in designing its work programme and the activities therein.

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18 July 1997

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[16] E/ECA/CM.22/2.

[17] E/ECA/CM.23/10.

1997/7. Programme of work and priorities of the Economic and Social Commission for Western Asia for the biennium 1996-1997

The Economic and Social Council,

Noting the progress made during the period from 1 January 1996 to 31 March 1997 in the implementation of the programme of work and priorities of the Economic and Social Commission for Western Asia for the biennium 1996-1997,

Noting also the changes made by the secretariat in the programme activities of the Commission and the reasons for those changes,

1. *Approves* said changes;

2. *Requests* the Executive Secretary of the Economic and Social Commission for Western Asia to present in 1998, in his comprehensive report to the member States on the progress made in the implementation of the Commission's programme of work and priorities for the biennium 1996-1997, any other changes effected in the programme of work and priorities.

34th plenary meeting
18 July 1997

1997/8. Medium-term plan of the Economic and Social Commission for Western Asia for the period 1998-2001

The Economic and Social Council,

Recalling General Assembly resolution 51/219 of 18 December 1996 on programme planning, in which the Assembly adopted the medium-term plan for the period 1998-2001,

Recalling also that the Assembly reaffirmed that the medium-term plan, as adopted, was the principal policy directive of the United Nations and should serve as a framework for the formulation of the biennial programme budgets,

Taking note of the medium-term plan of the Economic and Social Commission for Western Asia for the period 1998-2001,

1. *Requests* the Executive Secretary of the Economic and Social Commission for Western Asia to take into account the guidelines contained in the report of the Technical Committee on the work of its tenth session, held at Beirut on 5 and 6 May 1997, and to include them in the revised medium-term plan in accordance with the applicable United Nations rules;

2. *Also requests* the Executive Secretary to report to the Commission at its twentieth session on any changes effected in the medium-term plan.

34th plenary meeting
18 July 1997

1997/9. Programme of work and priorities of the Economic and Social Commission for Western Asia for the biennium 1998-1999

The Economic and Social Council,

Recalling General Assembly resolution 51/219 of 18 December 1996 on programme planning, in which the Assembly adopted the medium-term plan for the period 1998-2001, and noting that the plan is a translation of legislative mandates into programmes and the embodiment of the general policy guidelines and objectives set out by the intergovernmental bodies and also constitutes the principal policy directive of the United Nations,

Noting with appreciation the draft programme of work and priorities of the Economic and Social Commission for Western Asia for the biennium 1998-1999,

Noting also that the draft programme of work and priorities of the Commission reflects the strategies and objectives of the medium-term plan,

1. Approves the draft programme of work and priorities of the Economic and Social Commission for Western Asia for the biennium 1998-1999, in accordance with the guidelines contained in the report of the Technical Committee of the Commission on the work of its tenth session, held at Beirut on 5 and 6 May 1997;

2. Requests the Executive Secretary of the Commission to report any changes effected in the programme of work and priorities to the Commission at its twentieth session.

34th plenary meeting
18 July 1997

1997/10. Change in the frequency of the sessions of the Committee on Water Resources of the Economic and Social Commission for Western Asia

The Economic and Social Council,

Stressing the importance of resolution 205 (XVIII) of 25 May 1995 of the Economic and Social Commission for Western Asia, by which the Commission established the Committee on Water Resources,

Conscious of the growing need for the development and conservation of water resources in the region of the Economic and Social Commission for Western Asia,

Recalling the recommendations made by the Committee on Water Resources at its 1st meeting, on 30 March 1997, at which it requested that its sessions be held on an annual rather than a biennial basis in view of the rapid developments taking place in the field of water resources,

Authorizes the Committee on Water Resources of the Economic and Social Commission for Western Asia to hold its sessions annually rather than biennially.

34th plenary meeting
18 July 1997

1997/11. Establishment of the Committee on Transport of the Economic and Social Commission for Western Asia

The Economic and Social Council,

Aware of the vital role of transport infrastructures in national socio-economic development,

Also aware of the importance of integrating transport networks with a view to contributing to the acceleration of regional cooperation processes,

Conscious of the important role of the transport sector in facilitating the flow of goods and passengers among countries and regions, thus contributing to the liberalization of international trade, the promotion of tourism and the growth of exports, particularly within the context of the growing trend towards globalization,

Welcoming the steps taken by United Nations regional commissions for the establishment of specialized committees in various transport fields to ensure the coordination of work at the regional level,

1. Establishes the Committee on Transport of the Economic and Social Commission for Western Asia, which will be made up of representatives of the States members of the Commission that specialize in the field of transport and will undertake the following tasks:

(a) Participation in the establishment and formulation of priorities for programmes of work and medium-term plans in the field of transport;

(b) Monitoring of developments in the field of transport in the States members of the Commission;

(c) Monitoring of the progress achieved in the activities of the secretariat of the Commission in the field of transport;

(d) Following up international and regional conferences, ensuring the participation of member States in them and coordinating member States' efforts to implement resolutions and recommendations;

2. Also decides that, starting in 1999, the Committee on Transport will meet every two years;

3. Requests the Executive Secretary of the Commission to follow up the implementation of the present resolution and report thereon to the Commission at its twentieth session.

34th plenary meeting
18 July 1997

1997/12. Establishment of the Technical Committee on Liberalization of Foreign Trade and Economic Globalization in the Countries of the ESCWA Region

The Economic and Social Council,

Aware that the steadily growing trend towards the liberalization of foreign trade and economic globalization, the conclusion of a series of multilateral trade agreements within the framework of the World Trade Organization and the emergence of a large number of economic blocs will transform the international trading system in the future,

Conscious of the growing interest of the States members of the Economic and Social Commission for Western Asia in the World Trade Organization and the desire of many of them to join it, and of the importance of defining the positions of the countries of the region and coordinating those positions with respect to the issues involved,

Taking into consideration the appreciation shown by member States for the efforts made by the secretariat of the Economic and Social Commission for Western Asia in this area, both alone and in cooperation with specialized international organizations,

Aware of the importance of defining the issues of concern to the States members of the Economic and Social Commission for Western Asia within the new areas that will be discussed in future trade negotiations, such as trade and environment, trade and investment, and trade and competition, and the impact that those areas will have on the economic development of the countries of the region,

Welcoming the efforts made by numerous regional groups in conducting research and studies in those areas and coordinating their positions at the regional level,

1. Establishes the Technical Committee on Liberalization of Foreign Trade and Economic Globalization in the Countries of the ESCWA Region, which will be made up of representatives of the States members of the Commission that specialize in this field and will undertake the following tasks:

(a) Participation in the identification of the priorities and concerns of the States members of the Commission in the field of multilateral trade agreements and negotiations;

(b) Monitoring of international developments in world trade negotiations and the creation and development of economic and trade blocs, and coordination of the positions of the States members of the Commission with respect thereto;

(c) Cooperation with the secretariat of the Commission in establishing programmes to assist the countries of the region in outlining appropriate national and regional economic development policies to enable those countries to take greater advantage of the trends towards liberalization of foreign trade and economic globalization;

(d) Establishment of joint programmes with the countries of the region and in cooperation with other regional and international organizations for training, exchange of information and studies;

2. Also decides that the Committee will hold its sessions annually, beginning in 1998;

3. Requests the Executive Secretary of the Commission to follow up the implementation of the present resolution and report thereon to the Commission at its twentieth session.

34th plenary meeting
18 July 1997

1997/13. Progress made in facilitating the relocation of the Economic and Social Commission for Western Asia to its permanent headquarters at Beirut

The Economic and Social Council,

Taking note of the note by the Executive Secretary of the Economic and Social Commission for Western Asia on the progress made in facilitating the relocation of the Commission to its permanent headquarters at Beirut,[18]

Taking into consideration the presentation made by the Executive Secretary of the Commission in that regard,

Noting the current preparations for the Commission's relocation to its permanent headquarters at Beirut and the resulting termination of the services of the local staff employed by the Commission in Amman,

Commending the local staff of the Commission in Amman for their excellent service,

1. Expresses its appreciation for the plans prepared and the measures adopted by the secretariat of the Economic and Social Commission for Western Asia, including the plan for the Commission's relocation to its permanent headquarters at Beirut in accordance with a timetable that will not interfere with the implementation of the programmes of the Commission and will take into consideration the needs of its staff;

2. Reiterates its gratitude to the Government of Lebanon for the efforts and the arrangements it has made to provide a headquarters that satisfies the needs and requirements of the United Nations;

3. Reiterates its thanks to the Government of Iraq for the facilities provided throughout the Commission's presence in Baghdad and its gratitude to the Government of Jordan for the facilities provided to the Commission during its stay in Amman;

4. Requests the authorities concerned within the United Nations Secretariat to examine the possibility of utilizing the skills of the local staff of the Commission in Amman in other areas within the United Nations or of finding ways to compensate them.

34th plenary meeting
18 July 1997

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[18] E/ESCWA/19/7.

1997/14. Organizational and programme changes and modifications introduced by the Economic and Social Commission for Western Asia since 1994

The Economic and Social Council,

Recalling General Assembly resolutions 45/264 of 13 May 1991, 46/235 of 13 April 1992, 48/162 of 20 December 1993 and 50/227 of 24 May 1996 on the restructuring and revitalization of the United Nations in the economic, social and related fields,

Taking note of the new trends towards the reform and adaptation of the United Nations in accordance with current world developments,

Recalling resolution 191 (XVI) of 2 September 1992 of the Economic and Social Commission for Western Asia on the restructuring and revitalization of the United Nations in the economic, social and related fields,

Taking note of the organizational and programme changes and modifications introduced by the Commission since 1994,[19]

Confirming that the priorities established in the light of recent developments correspond to the needs of States members of the Commission,

1. Expresses its appreciation of the organizational and programme changes made and the methods adopted by the secretariat of the Economic and Social Commission for Western Asia in carrying out its activities, which have made it possible to address development issues within an integrated perspective, enabled the entities concerned in the member States to make a greater contribution to the formulation of the Commission's programmes of work and to the follow-up of their implementation, and promoted greater coordination and integration with United Nations agencies and organizations as well as national and regional institutions concerned with regional development, cooperation and integration;

2. Calls for the enhancement of the Commission's function as a basic forum for coordinating the economic and social policies of its member States and for the development of its role in supporting regional and subregional projects aimed at expanding economic and social cooperation among member States at both the regional and subregional levels;

3. Also calls for the reinforcement of the role of the United Nations at the regional level, which entails the promotion of the role of the regional commissions in representing the regional dimension of global issues and in integrating United Nations activities at the international, regional and national levels;

4. Further calls for the granting to the Commission, within the framework of the reform of the United Nations system, of a broader mandate for carrying out its activities, including those related to regional technical cooperation projects, and for the strengthening of its role in coordinating the activities of the agencies and organizations of the United Nations system and those of the regional and national organizations concerned in the region in which it operates

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[19] See E/ESCWA/19/5.

so as to ensure that the United Nations objectives of development, freedom and peace are achieved.

34th plenary meeting
18 July 1997

1997/15. Celebration of the twenty-fifth anniversary of the Economic and Social Commission for Western Asia in 1999 and role of the Commission in the coming century

The Economic and Social Council,

Recalling its resolution 1818 (LV) of 9 August 1973, by which it established the Economic and Social Commission for Western Asia for the purpose of consolidating development efforts in the region and promoting economic cooperation among the countries of the region,

Commending the Commission for the activities it has undertaken since its establishment in the various fields of economic and social development, thus supporting the development efforts of the States members of the Commission and promoting cooperation among them,

1. Decides that the twenty-fifth anniversary of the Economic and Social Commission for Western Asia should be celebrated during its twentieth session, to be held in 1999;

2. Requests the Executive Secretary of the Commission to take all measures that he deems necessary in this regard, including the preparation of the necessary studies for the celebration of the twenty-fifth anniversary of the Commission;

3. Invites the Governments of the States members of the Commission to take this opportunity to formulate a new vision and define the role and tasks of the Commission in line with regional and world developments in the coming century;

4. Also invites the Governments of the member States to participate in this celebration at the highest level;

5. Invites the Secretary-General to take part in this event.

34th plenary meeting
18 July 1997

1997/16. Palestinian women

The Economic and Social Council,

Having considered with appreciation the report of the Secretary-General concerning the situation of and assistance to Palestinian women,[20]

Recalling the Nairobi Forward-looking Strategies for the Advancement of Women, in particular paragraph 260 concerning Palestinian women and children,[21] and the Beijing Platform for Action adopted at the Fourth World Conference on Women,[22]

Recalling also its resolution 1996/5 and other relevant United Nations resolutions,

Recalling the Declaration on the Elimination of Violence against Women[23] as it concerns the protection of civilian populations,

Aware of the signing by the Palestine Liberation Organization and the Government of Israel of the Declaration of Principles on Interim Self-Government Arrangements on 13 September 1993[24] and of the Interim Agreement on the West Bank and Gaza Strip on 28 September 1995, both in Washington, D.C., within the framework of the Middle East peace process,

Concerned about the continuing difficult situation of Palestinian women in the occupied Palestinian territory, including Jerusalem, and about the severe consequences of continuous Israeli illegal settlements activities as well as the harsh economic conditions and other consequences for the situation of Palestinian women and their families, resulting from the frequent closure and isolation of the occupied territory,

1. Stresses its support for the Middle East peace process and the need for full implementation of the agreements already reached between the parties;

2. Reaffirms that the Israeli occupation remains a major obstacle for Palestinian women with regard to their advancement, self-reliance and integration in the development planning of their society;

3. Demands that Israel, the occupying Power, comply fully with the provisions and principles of the Universal Declaration of Human Rights,[25] the

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[20] E/CN.6/1997/2, sect. II.A.

[21] Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985 (United Nations publication, Sales No. E.85.IV.10), chap. I, sect. A.

[22] Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (A/CONF.177/20 and Add.1), chap. I, resolution 1, annex II.

[23] General Assembly resolution 48/104.

[24] A/48/486-S/26560, annex.

[25] General Assembly resolution 217 A (III).

Regulations annexed to The Hague Convention IV of 18 October 1907[26] and the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,[27] in order to protect the rights of Palestinian women and their families;

4. Calls upon Israel to facilitate the return of all refugees and displaced Palestinian women and children to their homes and properties in the occupied Palestinian territory, in compliance with the relevant United Nations resolutions;

5. Urges Member States, financial organizations of the United Nations system, non-governmental organizations and other relevant institutions to intensify their efforts to provide financial and technical assistance to Palestinian women for the creation of projects responding to their needs, especially during the transitional period;

6. Requests the Commission on the Status of Women to continue to monitor and take action with regard to the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women, in particular paragraph 260 concerning Palestinian women and children, and the Beijing Platform for Action;

7. Requests the Secretary-General to continue to review the situation and to assist Palestinian women by all available means, and to submit to the Commission on the Status of Women at its forty-second session a report on the progress made in the implementation of the present resolution.

36th plenary meeting
21 July 1997

1997/17. Agreed conclusions of the Commission on the Status of Women on the critical areas of concern identified in the Beijing Platform for Action

The Economic and Social Council,

Recalling General Assembly resolutions 50/203 of 22 December 1995 and 51/69 of 12 December 1996 on the follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action,

Recalling Economic and Social Council resolution 1996/6 of 22 July 1996 on the follow-up to the Fourth World Conference on Women, by which a multi-year programme of work for the Commission on the Status of Women was adopted as a framework for assessing the progress achieved in the implementation of the Platform for Action,

Noting that the Commission on the Status of Women at its forty-first session reviewed progress achieved in implementation of the Platform for Action in the critical areas of concern: women and the environment; women in power and decision-making; women and the economy; and the education and training of women; and proposed ways and means to accelerate implementation in those four areas,

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[26] Carnegie Endowment for International Peace, The Hague Conventions and Declarations of 1899 and 1907 (New York, Oxford University Press, 1915).

[27] United Nations, Treaty Series, vol. 75, No. 973, p. 287.

1. Takes note of the report of the Secretary-General on thematic issues before the Commission[28] and the recommendations contained therein;

2. Calls upon Governments, United Nations agencies and bodies and other international organizations, non-governmental organizations and civil society to cooperate in implementing the strategies adopted at the Fourth World Conference on Women and other recent international conferences;

3. Also calls upon Governments, the United Nations system and other international organizations to mainstream a gender perspective into all policies and programmes, while maintaining institutional arrangements to carry out research and develop methodologies and tools for mainstreaming and to advocate for gender equality and the enjoyment by women of their human rights;

4. Endorses the agreed conclusions of the Commission on the Status of Women on women and the environment; women in power and decision-making; women and the economy; and the education and training of women.[29]

36th plenary meeting
21 July 1997

1997/18. International Year of Older Persons: towards a society for all ages

The Economic and Social Council,

Recommends to the General Assembly the adoption of the following draft resolution:

"The General Assembly,

"Recalling its resolution 47/5 of 16 October 1992, in which it decided to observe the year 1999 as the International Year of Older Persons,

"Also recalling its resolution 40/30 of 29 November 1985, in which it expressed its conviction that older persons must be considered an important and necessary element in the development process at all levels within a given society,

"Mindful of the need to promote adherence to the United Nations Principles for Older Persons, as adopted in its resolution 46/91 of 16 December 1991,

"Recalling Economic and Social Council resolution 1993/22 of 27 July 1993, in which the Council invited Member States to strengthen their national mechanisms on ageing, inter alia, to enable them to serve as national focal points for the preparations for and observance of the Year,

"Further recalling the relevant provisions of the Copenhagen Declaration and the Programme of Action of the World Summit for Social

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[28] E/CN.6/1997/3.

[29] For the texts of the agreed conclusions, see chap. I, sect. C.1, below.

Development,[30] the Programme of Action of the International Conference on Population and Development,[31] and the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights,[32] as well as of the Beijing Declaration and Platform for Action[33] and the Habitat Agenda,[34]

"Keeping in mind that the ageing of societies in the twentieth century, unprecedented in the history of humankind, is a major challenge for all societies and requires a fundamental change in the way in which societies organize themselves and view older persons,

"1. Encourages all States, the United Nations system and all other actors, in reaching out for a future society for all ages, to take advantage of the International Year of Older Persons so as to increase awareness of the challenge of the demographic ageing of societies, the individual and social needs of older persons, the contribution of older persons to societies and the need for a change in attitudes towards older persons;

"2. Welcomes the activities undertaken by States, United Nations organizations and bodies and non-governmental organizations in preparation for the observance of the Year and encourages them to continue their efforts;

"3. Invites States to take account of the increasing number and percentage of older persons in need of help;

"4. Also invites States to develop comprehensive strategies at the national, regional and local levels to meet the increase in demand for care and support for older persons as individuals, within their families and communities, and within institutions, bearing in mind the changing socio-economic, technological and cultural environment;

"5. Encourages States, with the support of United Nations organizations, bodies and programmes and non-governmental organizations, to formulate policies and programmes on ageing with a view to offering older persons opportunities to utilize their experience and knowledge to promote a society for all ages based on solidarity between generations, so that they can contribute to and benefit from full participation in society;

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[30] Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995 (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.

[31] Report of the International Conference on Population and Development, Cairo, 5-13 September 1994 (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

[32] Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

[33] Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[34] Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul, 3-14 June 1996 (A/CONF.165/14), chap. I, annex II.

"6. Further encourages States to establish a national focal point and formulate national programmes for the Year, bearing in mind the conceptual framework referred to in General Assembly resolution 50/141 of 21 December 1995;

"7. Calls upon States to include a gender dimension in their national programmes for the Year;

"8. Encourages States to consider establishing ad hoc, broad-based national coordinating mechanisms for the Year in order to enhance, inter alia, collaboration with representatives of civil society;

"9. Invites States to consider convening high-level and other meetings at the regional level to discuss the theme 'A society for all ages';

"10. Invites non-governmental organizations, including those specialized in the question of older persons, to develop programmes and projects for the Year, particularly at the local level, in cooperation, inter alia, with local authorities, community leaders, enterprises, the media and schools, and encourages them to support and participate in the appropriate national coordinating mechanisms;

"11. Encourages relevant United Nations funds and programmes and specialized agencies, non-governmental organizations and the private sector to support local, national and international programmes and projects for the Year and also encourages them, in particular the United Nations Development Programme, as well as international financial institutions, to ensure that the concerns and contributions of older persons are integrated into their development programmes;

"12. Emphasizes that activities for the Year should be initiated primarily at the national level;

"13. Invites national and international development agencies, bodies and international financial institutions to explore feasible approaches to improving the access of older persons to credit training and appropriate technologies for income generation, and the participation of older persons in family enterprises, community enterprises and microenterprises;

"14. Welcomes contributions by the Commission on the Status of Women on the topic of older women in relation to the Year;

"15. Encourages the Secretary-General to allocate sufficient resources for promoting and coordinating activities for the Year, bearing in mind General Assembly resolution 47/5 in which it was decided that observance of the Year would be supported from resources of the regular budget for the biennium 1998-1999 and from voluntary contributions;

"16. Invites States to consider actively supporting the United Nations Secretariat in the preparation and implementation of the projects for the Year, inter alia, through voluntary financial or personnel contributions;

"17. Welcomes the continuing efforts of the Secretariat to promote information exchange for 1999 and beyond, inter alia, through regular publication of the Bulletin on Ageing, and invites the agencies, bodies and programmes of the United Nations system to consider placing special emphasis on the theme 'A society for all ages' in their publications, including the Human Development Report;

"18. Invites the Department of Public Information of the United Nations Secretariat to consider producing a logo and press kit as well as an exhibit for the Year and invites the United Nations Postal Administration to consider producing stamps on the theme 'A society for all ages';

"19. Requests the Secretary-General to report to the General Assembly at its fifty-third session on the system-wide implementation of the present resolution;

"20. Also requests the Secretary-General to officially launch the International Year for Older Persons in 1998, on the occasion of the International Day of Older Persons;

"21. Decides to devote four plenary meetings at its fifty-fourth session to the follow-up to the Year, which should take place at an appropriate global policy-making level."

36th plenary meeting
21 July 1997

1997/19. Equalization of opportunities for persons with disabilities

The Economic and Social Council,

Recalling General Assembly resolution 37/52 of 3 December 1982, by which the Assembly adopted the World Programme of Action concerning Disabled Persons, which designates a focal point within the United Nations for coordinating and monitoring the implementation of the Programme of Action, including its review and appraisal, and General Assembly resolution 48/96 of 20 December 1993, by which it adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities,

Recalling also the Universal Declaration of Human Rights,[35] the Convention on the Rights of the Child[36] and other international human rights instruments which proclaim that the rights therein should be ensured equally to all individuals, without discrimination,

Recalling further the Programme of Action of the World Summit for Social Development,[37] in which Governments are requested to promote the Standard Rules and to develop strategies for their implementation and in which it is emphasized that policies concerning persons with disabilities should focus on their abilities rather than their disabilities,

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[35] General Assembly resolution 217 A (III).

[36] General Assembly resolution 44/25.

[37] Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995 (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annex II.

Recalling also that children with disabilities and their families or other caretakers have special needs,

Noting with great satisfaction that the Standard Rules play an important role in influencing legislation, policies, action and evaluations at both the national and international levels,

Acknowledging the active role played by non-governmental organizations, including organizations of persons with disabilities, in support of the Standard Rules and their contribution to the implementation and monitoring of the Rules,

Concerned about the effects of the current budgetary constraints of the United Nations on its disability activities,

1. Takes note with appreciation of the valuable work done by the Special Rapporteur on Disability of the Commission for Social Development and welcomes his comprehensive report;[38]

2. Urges the United Nations, Governments and the non-governmental organizations concerned to strengthen their efforts to implement at all levels, by appropriate legal, administrative, financial and other measures, the goal of full participation and equality for persons with disabilities, in accordance with the Programme of Action of the World Summit for Social Development and the Standard Rules on the Equalization of Opportunities for Persons with Disabilities;

3. Requests the Secretary-General to give higher priority to disability activities and to allocate the resources necessary to enable the United Nations Secretariat to fulfil its function as focal point in a forceful way;

4. Urges the Secretary-General and Governments to further the effective implementation of the Standard Rules and to emphasize the dimension of human rights, including that dimension for persons with developmental and psychiatric disabilities;

5. Also urges the Secretary-General and Governments to give full attention to a gender perspective in all policies and programmes related to disability;

6. Further urges the Secretary-General and Governments to give full attention to the rights of children with disabilities;

7. Encourages the United Nations and Governments to involve organizations of persons with disabilities in policy planning and decision-making processes regarding education, communications, employment and health services;

8. Also encourages the United Nations and Governments to enhance cooperation, through appropriate mechanisms of cooperation, with organizations of persons with disabilities or concerned with disability issues so as to improve the implementation of the Standard Rules;

9. Urges the United Nations, Governments and the non-governmental organizations concerned to combat the sexual abuse of persons with disabilities;

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[38] A/52/56, annex.

10. Requests the Secretary-General to invite appropriate United Nations bodies to provide advisory services and support to Governments in their efforts to develop disability policies based on the Standard Rules and thereby collaborate with the focal point in its role as policy coordinating body and with organizations of persons with disabilities;

11. Encourages the United Nations Development Programme and other entities of the United Nations system, including the Bretton Woods institutions and inter-agency mechanisms, to mainstream disability issues in their development activities and in their efforts to eradicate poverty;

12. Requests the Secretary-General, as Chairman of the Administrative Committee on Coordination, to ensure that the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and all other relevant organizations and bodies of the United Nations system take into account, in their policies and programmes, the rights of children with disabilities and mainstream the particular needs of such children;

13. Invites the Special Rapporteur and the Committee on the Rights of the Child to pursue and enhance their cooperation to ensure that the rights of children with disabilities are fully addressed in the Committee's reporting process;

14. Calls upon Governments, when formulating national policies and strategies during the International Decade for the Eradication of Poverty, to combat the social exclusion of persons with disabilities, to promote their employment and to include disability measures in poverty eradication programmes;

15. Urges all Governments to provide education for disabled children, youth and adults, regardless of the nature of the disability, in accordance with the Salamanca Statement and Framework for Action on Special Needs Education;[39]

16. Urges Governments that have not ratified International Labour Organization Convention (No. 159) concerning Vocational Rehabilitation and Employment (Disabled Persons) to consider doing so, in order to strengthen their policies, and to use the opportunity to obtain technical assistance from the International Labour Organization, and urges Governments that have ratified the Convention to seek further guidance when implementing it, in the accompanying Recommendation No. 168;

17. Encourages donors to provide assistance to developing countries and countries with economies in transition in their efforts to address the needs of persons with disabilities and encourages Governments of recipient countries to include disability matters in their applications for such assistance;

18. Decides to renew the mandate of the Special Rapporteur for a further period of three years, so as to make it possible to continue the monitoring of the implementation of the Standard Rules in accordance with section IV of the Rules, and to request the Special Rapporteur, assisted by the Secretariat and in consultation with the panel of experts, to prepare a report for submission to the Commission for Social Development at its thirty-eighth session;

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[39] See "Report of the World Conference on Special Needs Education: Access and Quality", held at Salamanca, Spain, on 7 June 1994 (UNESCO, Paris, 1994).

19. Requests the Special Rapporteur to pay special attention to the situation of children with disabilities when monitoring the implementation of the Standard Rules;

20. Urges States to make contributions to the United Nations Voluntary Fund on Disability so as to support initiatives on disability and also urges them to support, by financial and other means, the important work of the Special Rapporteur;

21. Requests the Secretary-General to include in his reports to the Commission at its thirty-sixth and thirty-seventh sessions information on activities within the United Nations system that relate to the Commission's priority theme of promoting the social integration of disabled persons and its priority theme of social services for all, and to counteract the social exclusion facing persons with disabilities and eradicate poverty among them.

36th plenary meeting
21 July 1997

1997/20. Children with disabilities

The Economic and Social Council,

Recalling the Universal Declaration of Human Rights[35] and other international human rights instruments, including the Convention on the Rights of the Child,[36] which proclaim that the rights therein should be ensured equally to all individuals without discrimination,

Recalling also the Standard Rules on the Equalization of Opportunities for Persons with Disabilities[40] and the Long-term Strategy to Implement the World Programme of Action concerning Disabled Persons to the Year 2000 and Beyond,[41] as well as the various resolutions and declarations adopted by the General Assembly relating to persons with physical, mental and psychological disabilities, including the Declaration on the Rights of Mentally Retarded Persons[42] and the Declaration on the Rights of Disabled Persons,[43]

Recalling further the disability provisions in the results of international conferences, including the World Conference on Special Needs Education: Access and Quality, held at Salamanca, Spain, in 1994[39] and the World Summit for Social Development, held at Copenhagen in 1995,[44]

Welcoming the report of the Special Rapporteur on Disability of the Commission for Social Development on monitoring the implementation of the

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[40] General Assembly resolution 48/96, annex.

[41] A/49/435, annex.

[42] General Assembly resolution 2856 (XXVI).

[43] General Assembly resolution 3447 (XXX).

[44] See Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995 (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.

Standard Rules on the Equalization of Opportunities for Persons with Disabilities,[38]

Noting with appreciation the activities in support of disability issues carried out by non-governmental organizations,

Convinced that disability is not inability and that it is critically important to take a positive view of abilities as the basis of planning for persons with disabilities, in particular children with disabilities,

1. Recognizes the need for special attention to be directed towards children with disabilities and their families or other caretakers;

2. Notes with concern the large numbers of children who have become disabled physically or mentally, or both, as a consequence, inter alia, of poverty, disease, disasters, land mines and all forms of violence;

3. Urges both Governments and the Secretary-General to give full attention to the rights, special needs and welfare of children with disabilities;

4. Invites Governments, concerned United Nations organizations and bodies, including the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, and non-governmental organizations, especially those of persons with disabilities, to conduct awareness-raising activities, with a view to combating and overcoming discrimination against children with disabilities;

5. Encourages further cooperation among Governments, in coordination, where appropriate, with the United Nations Children's Fund, other relevant United Nations organizations and non-governmental organizations, to nurture the talents and potential of children with disabilities by developing and disseminating appropriate technologies and know-how;

6. Encourages Governments to include data on children when implementing rule 13 on information and research of the Standard Rules;

7. Urges Governments to ensure, in accordance with rule 6 of the Standard Rules, that children with disabilities have equal access to education and that their education is an integral part of the educational system and also urges Governments to provide vocational preparatory training appropriate for children with disabilities;

8. Invites the United Nations Educational, Scientific and Cultural Organization to continue its programme activities aimed at the integration of children and youth with disabilities into mainstream education and to provide appropriate assistance to Governments, at their request, in designing and setting up programmes to encourage the creative, artistic and intellectual potential of children, including those with disabilities;

9. Calls upon Governments to ensure the participation of children with disabilities in recreational activities and sports;

10. Emphasizes the right of children with disabilities to the enjoyment of the highest attainable standard of physical and mental health and urges Governments to ensure the provision of equal access to comprehensive health services and the adoption of holistic approaches to the total well-being of all

children with disabilities, particularly children at highest risk, including refugee, displaced or migrant children, children living in situations of violence and its immediate aftermath, children living in disaster areas, street children and children in squatter colonies;

11. Encourages Governments to contribute to the United Nations Voluntary Fund on Disability;

12. Requests the Special Rapporteur, in monitoring the implementation of the Standard Rules, to pay special attention to the situation of children with disabilities, to pursue close working relations with the Committee on the Rights of the Child in its monitoring role with respect to the Convention on the Rights of the Child and to include in his report to the Commission for Social Development at its thirty-eighth session his findings, views, observations and recommendations on children with disabilities.

36th plenary meeting
21 July 1997

1997/21. Follow-up to the International Year of the Family

The Economic and Social Council

Recommends to the General Assembly the adoption of the following draft resolution:

"The General Assembly,

"Recalling its resolutions 44/82 of 8 December 1989, 46/92 of 16 December 1991, 47/237 of 20 December 1993 and 50/142 of 21 December 1995, concerning the proclamation, preparations for and observance of the International Year of the Family,

"Recognizing that the basic objective of the follow-up to the International Year of the Family should be to strengthen and support families in performing their societal and developmental functions and to build upon their strengths, particularly at the national and local levels,

"Noting that the family-related provisions of the outcomes of the world conferences of the 1990s provide policy guidance on ways to strengthen family-centred components of policies and programmes as part of an integrated comprehensive approach to development,

"Emphasizing that equality between women and men and respect for the rights of all family members is essential to family well-being and society at large,

"1. Takes note with appreciation of the report of the Secretary-General on the International Year of the Family[45] and welcomes the proposals contained therein;

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[45] A/52/57-E/1997/4.

"2. Invites Governments to continue their actions to build family-friendly societies, inter alia, by promoting the rights of individual family members, in particular gender equality and the rights of the child;

"3. Emphasizes the need for a more focused and coordinated approach towards family issues within the United Nations system;

"4. Calls upon Governments, non-governmental organizations, other organizations of civil society, the private sector and individuals to contribute generously to the United Nations Trust Fund on Family Activities;

"5. Urges Governments to take sustained action at all levels concerning families, including studies and applied research on families, and to promote the role of families in development and invites Governments to develop concrete measures and approaches to address national priorities to deal with family issues;

"6. Recommends that all relevant actors in civil society, including research and academic institutions, contribute to and participate in actions on families;

"7. Requests the Secretary-General to continue to play an active role in facilitating international cooperation within the framework of the follow-up to the International Year of the Family, to facilitate the exchange of experiences and information among Governments on effective policies and strategies, to facilitate technical assistance, with a focus on least developed and developing countries, and to encourage the organization of subregional and interregional meetings and relevant research;

"8. Calls upon Governments to encourage the active follow-up to the International Year of the Family at the national and local levels;

"9. Reaffirms Economic and Social Council resolution 1996/7, in which the Council decided that the follow-up to the International Year of the Family should be an integral part of the multi-year work programme of the Commission for Social Development."

36th plenary meeting
21 July 1997

1997/22. Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime

The Economic and Social Council

Recommends to the General Assembly the adoption of the following draft resolution:

"The General Assembly,

"Recalling its resolution 49/159 of 23 December 1994, in which it approved the Naples Political Declaration and the Global Action Plan against Organized Transnational Crime,[46]

"Recalling also Economic and Social Council resolution 1996/27 of 24 July 1996,

"Recalling further its resolution 51/120 of 12 December 1996 on the question of the elaboration of an international convention against organized transnational crime,

"Convinced of the importance of continuous action by Member States aimed at the full implementation of the Naples Political Declaration and Global Action Plan,

"Reiterating the need for increased technical cooperation activities and the provision of practical assistance to requesting Member States for the implementation of the Naples Political Declaration and Global Action Plan,

"1. Takes note of the reports of the Secretary-General, submitted to the Commission on Crime Prevention and Criminal Justice at its sixth session, on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime[47] and on the question of the elaboration of an international convention against organized transnational crime;[48]

"2. Takes note of the forty recommendations elaborated and endorsed by the Senior Experts Group on Transnational Organized Crime, which met at Lyon, France from 27 to 29 June 1996, which are contained in annex I to the present resolution;

"3. Takes note of the report of the informal meeting on the question of the elaboration of an international convention against organized transnational crime, held at Palermo, Italy from 6 to 8 April 1997,[49] and expresses its appreciation to the Fondazione Giovanni e Francesca Falcone for organizing and acting as host to the meeting;

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[46] A/49/748, annex, sect. I.A.

[47] E/CN.15/1997/7.

[48] E/CN.15/1997/7/Add.1.

[49] E/CN.15/1997/7/Add.2, annex.

"4. Reiterates the high priority accorded to the United Nations Crime Prevention and Criminal Justice Programme as well as to its work on action against organized transnational crime in general and the implementation of the Naples Political Declaration and Global Action Plan in particular;

"5. Urges States to continue making every effort possible to implement the Naples Political Declaration and Global Action Plan fully by taking the most appropriate legislative, regulatory and administrative measures, including those aimed at prevention;

"6. Requests the Commission on Crime Prevention and Criminal Justice to continue its review of the implementation of the Naples Political Declaration and Global Action Plan as a matter of high priority;

"7. Invites developing countries and countries with economies in transition to undertake action against organized transnational crime and to promote international cooperation in this field as priorities of their development efforts and to include in their requests to the United Nations Development Programme for assistance, as part of the country programme framework of the United Nations Development Programme, projects on action against organized transnational crime and money laundering, with a view to upgrading national institutional capacities and professional expertise in these fields;

"8. Calls upon the United Nations Development Programme, the World Bank and other international, regional and national funding agencies to give favourable consideration to project proposals on strengthening national or regional capacities and creating the expertise required for the prevention and control of organized transnational crime and money laundering that are elaborated and submitted to them by the Crime Prevention and Criminal Justice Division of the Secretariat;

"9. Requests the Secretary-General to continue his work on the central repository established pursuant to Economic and Social Council resolution 1996/27, with a view to increasing, maintaining and updating the data and other information contained in the repository and making such information available to States, and for this purpose to continue collecting information and material, taking into account the methodological points and categorization of data listed in annex II to the present resolution, including legislative and regulatory texts on the prevention and control of organized transnational crime, as well as reports on preventive measures;

"10. Calls upon all States and relevant international organizations and institutes affiliated and associated with the United Nations to assist the Secretary-General in the implementation of paragraph 9 above by providing him with data and other information, as well as legislative and regulatory texts, and to keep such data up to date;

"11. Requests the Secretary-General to continue to provide States with advisory services and other forms of assistance on request in the field of prevention and control of organized transnational crime;

"12. Also requests the Secretary-General to assist States in collecting and systematizing data and other information on the occurrence, dimensions and patterns of organized transnational crime by designing and undertaking a comparative study on the situation of organized transnational crime throughout the world;

"13. Further requests the Secretary-General to review the data submitted to the central repository and to take that data into account in developing model legislation against organized transnational crime as well as technical manuals for law enforcement and judicial personnel and for agencies engaged in preventive activities;

"14. Decides to establish an inter-sessional open-ended intergovernmental group of experts within existing resources or, where possible, funded by extrabudgetary resources, if made available, for the purpose of elaborating a preliminary draft of a possible comprehensive international convention against organized transnational crime, which would submit a report thereon to the Commission on Crime Prevention and Criminal Justice at its seventh session;

"15. Welcomes the generous offer of the Government of Poland to organize and host a meeting of the intergovernmental group of experts;

"16. Requests the intergovernmental group of experts, when elaborating the preliminary draft:

"(a) To take into account existing multilateral instruments, the draft United Nations framework convention against organized crime presented by the Government of Poland at the fifty-first session of the General Assembly,[50] contained in annex III to the present resolution, the report of the Chairman of the Working Group on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime and the Question of the Elaboration of an International Convention against Organized Transnational Crime, contained in annex IV to the present resolution, the principles indicated in the above-mentioned forty recommendations, and the observations and proposals made by other member States during the sixth session of the Commission on Crime Prevention and Criminal Justice, including those contained in annexes V and VI to the present resolution, as well as those contained in the report of the Secretary-General on the question of the elaboration of an international convention against organized transnational crime[48] and the principles contained in the report of the Secretary-General on measures to prevent trafficking in children;[51]

"(b) To give priority consideration to the following issues:

"(i) Measures for judicial and police cooperation, particularly in relation to mutual assistance, extradition, money laundering and confiscation of illicit assets, protection of witnesses, information sharing, training and other forms of technical assistance;

"(ii) Identification of the scope of application of the above-mentioned measures, having particular regard to the documents contained in annexes III and IV to the present resolution, referred to in subparagraph 16 (a) above;

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[50] A/C.3/51/7, annex.

[51] E/CN.15/1997/12.

"(iii) Provisions related to criminal offences, particularly in the areas of criminal associations, conspiracy and money-laundering;

"(c) Also to consider indicating the need for special provisions related to specific types of crime, such as, trafficking in children, corruption, offences related to firearms, trafficking in illegal migrants and theft of motor vehicles, that may be the subject of international instruments, whether associated with or separate from the draft convention;

"17. Requests the Secretary-General to provide the Crime Prevention and Criminal Justice Division with adequate resources for the preparation and servicing of the meeting of the intergovernmental group of experts;

"18. Requests the Commission on Crime Prevention and Criminal Justice to report through the Economic and Social Council to the General Assembly at its fifty-third session on the progress achieved in its work on this question."

36th plenary meeting
21 July 1997

"Annex I

"RECOMMENDATIONS OF THE SENIOR EXPERTS GROUP ON TRANSNATIONAL ORGANIZED CRIME

"To combat transnational organized crime efficiently, the members of the Senior Experts Group recommended the following:

"1. States should review their laws governing criminal offences, jurisdiction, law enforcement powers and international cooperation, as well as their measures dealing with law enforcement training and crime prevention, to ensure that the special problems created by transnational organized crime are effectively addressed.

"2. With the aim of improving mutual assistance, States should, as needed, develop mutual legal assistance arrangements or treaties and exercise flexibility in the execution of requests for mutual assistance.

"3. States should, where feasible, render mutual assistance, notwithstanding the absence of dual criminality.

"4. States developing mutual assistance treaties should ensure that the treaties:

"(a) Provide a clear description of the scope of the assistance available;

"(b) Encourage a speedy process for assistance;

"(c) Are as comprehensive as possible in terms of assistance available;

"(d) Reflect the principle that evidence will be gathered in the manner sought by the requesting States, unless the procedures are contrary to the fundamental principles of the law of the requested State.

"To further facilitate cooperation against transnational organized crime, States should consider negotiating arrangements in areas that are not covered by mutual legal assistance treaties.

"5. States should establish a central authority structured to provide speedy coordination of requests. The central authority should provide a quality-control and prioritizing function for both incoming and outgoing requests to take into account both the seriousness of the offence and the urgency of the request.

"At the same time, the central authority should not be seen as an exclusive channel for assistance between States. Direct exchange of information between law enforcement agencies should be encouraged to the extent permitted by domestic laws or arrangements.

"6. States should prepare and distribute to other States materials that would describe the channels of communication for mutual assistance and extradition and the process for obtaining such assistance from that State.

"7. In cases where a criminal activity occurs in several countries, States with jurisdiction should coordinate their prosecutions and the use of mutual assistance measures in a strategic manner so as to be more efficient in the fight against transnational criminal groups.

"8. States should be encouraged to develop, through treaties, arrangements and legislation, a network for extradition.

"States should modernize their extradition treaties by eliminating the lists of crimes and allowing for extradition for conduct punishable in both States by deprivation of liberty in excess of an agreed minimum period.

"States should make every effort to ensure that their domestic arrangements for extradition are flexible enough to permit extradition to States of a different legal tradition. They should seek to identify and eliminate obstacles to extradition, including those that may arise from the differences between legal systems, by simplifying evidentiary and procedural requirements, for example.

"9. States should ensure that their domestic arrangements for extradition are as effective and expeditious as possible.

"States should also consider the possibility of extradition without a treaty.

"10. If extradition of nationals is not permitted by the requested State, and the extradition of one of its nationals is requested, the requested State should:

"(a) Allow for conditional extradition on condition that it is only for trial and that its national will be promptly returned after trial to its territory to serve any sentence within the limits of the law of the requested State; or "(b) Allow for transfer/surrender, when it is permitted by domestic law, only for trial and on condition that its national will be promptly returned after trial to its territory to serve any sentence within the limits of the law of the requested State; or

"(c) Apply the rule of aut dedere, aut judicare by, at the request of the requesting State, submitting the case to its competent authorities in order that proceedings may be initiated if they are considered appropriate.

"11. States should promote other techniques for mutual education that will facilitate mutual assistance and extradition, such as language training, secondments and exchanges between personnel in central authorities or between executing and requesting agencies.

"Training courses, joint seminars and information exchange sessions should be encouraged on a bilateral, regional and worldwide basis.

"12. Consideration should also be given to posting in other States representatives of prosecuting agencies or of judicial authorities.

"13. States should provide effective protection for individuals who have given or have agreed to give information or evidence, or who participate or have agreed to participate in an investigation or prosecution of an offence, and for the relatives and associates of those individuals who require protection because of risk to the security of the person.

"14. States should consider, as appropriate, reciprocal arrangements for the protection of witnesses and other endangered persons.

"15. States should consider adopting appropriate measures to ensure the protection of witnesses during criminal proceedings. These might include such methods as testifying by telecommunications or limiting the disclosure of the address and identifying particulars of witnesses.

"Consideration should be given to the temporary transfer as witnesses of persons in custody, enlargement of the admissibility of written statements, and the use of modern technology, such as video links, to overcome some of the current difficulties with obtaining the testimony of witnesses located outside the prosecuting State.

"16. States should review their laws in order to ensure that abuses of modern technology that are deserving of criminal sanctions are criminalized and that problems with respect to jurisdiction, enforcement powers, investigation, training, crime prevention and international cooperation in respect of such abuses are effectively addressed. Liaison between law enforcement and prosecution personnel of different States should be improved, including the sharing of experience in addressing these problems. States should promote study in this area and negotiate arrangements and agreements to address the problem of technological crime and investigation.

"17. States should take all other lawful steps available under domestic legislation to ensure that they do not provide safe havens for criminals.

"18. We commend the work done by the International Criminal Police Organization (Interpol) and the World Customs Organization, calling upon these organizations to maintain and develop their support for operational activity, facilitating as rapid as possible an exchange of information between law enforcement agencies. We call upon them to focus on a strategic overview of the methods of, and trends in, transnational organized crime for the benefit of all their member countries.

"19. In order to facilitate the work of law enforcement practitioners we will, on request, provide brief guides on our respective legal systems and on the mandates of relevant agencies.

"20. States should identify central contact points within their existing structures for the purpose of facilitating contact between their operational agencies. It may be useful to locate these points in liaison with the Interpol National Central Bureau.

"21. We stress the important contribution that liaison officers can make to the fight against transnational organized crime. We encourage States to make the most effective use possible of their liaison officers in other countries and to consider additional postings. We stress the need for liaison officers to have access, in accordance with the law of the host country, to all agencies of that country with relevant responsibilities.

"22. We reiterate our condemnation of drug trafficking, which is a major source of finance for transnational organized criminal groups.

"Therefore we:

> "Reaffirm the importance of the three United Nations conventions of 1961, 1971 and 1988[52] that are fundamental to action against illicit drugs;
>
> "Call on all States to adopt and fully implement legislation in accordance with those conventions;
>
> "Believe in the value of giving the widest publicity to information issued by official international bodies, such as the International Narcotics Control Board, on illicit drug production, trafficking and the proceeds of the illicit drug trade;
>
> "Will work in all relevant forums to prevent the diversion of chemical precursors used in illicit drug production and take the necessary steps to implement fully all relevant international agreements;

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[52] Single Convention on Narcotic Drugs of 1961 (United Nations, *Treaty Series*, vol. 520, No. 7515); Convention on Psychotropic Substances of 1971 (Ibid., vol. 1019, No. 14956); and United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (*Official Records of the United Nations Conference for the Adoption of a Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988*, vol. I (United Nations publication, Sales No. E.94.XI.5)).

•Welcome and support implementation of the recommendations of the United Nations International Drug Control Programme Working Group on Maritime Cooperation.

•23. In order to ensure more effective transnational crime prevention, and foster public safety, we will develop strategies to identify and combat the illicit traffic in firearms.

•In furtherance of this goal, and in support of the specific recommendations contained in resolution 9 of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders[53] and the Economic and Social Council resolution 1995/27, we will, and encourage other States to, review existing firearms laws and regulations to facilitate discussion at an international level.

•We will promote information exchange among our relevant law enforcement authorities.

•We will encourage States to enhance the exchange of information useful for law enforcement purposes (e.g., data for the identification of illicit firearms and specific information on tests conducted on firearms and ammunition which have been used in the course of criminal activities).

•24. States should ensure that immigration services play their part in the fight against transnational organized crime. We note the involvement of transnational organized crime in alien smuggling and call upon all States to enact legislation to criminalize such smuggling of persons. Immigration services and other agencies should:

•Exchange information on the transnational movement of organized criminals;

•Have as full as possible an exchange of information on forged and stolen documents used by traffickers;

•Consider the most effective means for its communication.

•We will take the necessary steps to improve the quality of our travel documents. We encourage other States to improve theirs and will assist them to do so.

•25. We support the exchange of law enforcement expertise regarding scientific and technological developments, such as advances in the forensic sciences.

•26. We emphasize the relevance and effectiveness of techniques such as electronic surveillance, undercover operations and controlled deliveries. We call upon States to review domestic arrangements for those techniques and to facilitate international cooperation in these fields, taking full account of human rights implications. We encourage States to exchange experiences concerning their use.

•27. We emphasize the importance of giving the fullest possible protection to sensitive information received from other countries.

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[53] See A/CONF.169/16.

"The competent authorities of different States should advise each other on the requirements regarding the disclosure of information in the course of judicial and administrative proceedings and should discuss in advance potential difficulties arising from those requirements.

"A transmitting State may make conditions for the protection of sensitive information before deciding whether to transmit it. A receiving State must abide by the conditions agreed with the transmitting State.

"28. Building on current cooperative arrangements, the different agencies in our countries will develop their work together in specific law enforcement projects targeted on transnational organized crime. We have formulated practical guidance on project-based action and commend this approach to all States.

"Project-based action involves bilateral and multilateral priority setting, targeting, resourcing and assessment of law enforcement operations drawing on the strength of the full range of competent agencies.

"29. We welcome the resolve of the Financial Action Task Force on Money Laundering to extend criminalization of money laundering to other serious offences.

"30. States should consider adopting legislative measures for the confiscation or seizure of illicit proceeds from drug trafficking and other serious offences, asset forfeiture, as required, and the availability of provisional arrangements, such as the freezing or seizing of assets, always with due respect for the interests of bona fide third parties. States should also consider the introduction of arrangements for the equitable sharing of such forfeited assets.

"31. States should consider implementing measures to detect and monitor the physical transportation of cash and bearer-negotiable instruments at the border, subject to strict safeguards to ensure proper use of information and without impeding in any way the freedom of legitimate capital movements.

"32. States should adopt the necessary legislative and regulatory measures to combat corruption, establish standards of good governance and legitimate commercial and financial conduct, and develop cooperation mechanisms to curb corrupt practices.

"33. We agree to share information on practical anti-money-laundering techniques and to draw on the experience gained to adapt and improve national and international training activities in this area, in conjunction with the action of the Financial Action Task Force on Money Laundering.

"34. In order to improve understanding and information on the detection of financial networks linked to Transnational Organized Crime (in particular investments by transnational organized crime), we encourage States to take measures to gather financial information and, as much as possible, facilitate the exchange of such information, including exchanges between law enforcement agencies and regulatory bodies.

"35. We urge States to adhere to and fully implement existing relevant multilateral conventions whose provisions effectively contribute to the fight against all forms of transnational organized crime, in particular the conventions concerning control of illicit drugs.

"36. We will keep under review the possibility of supplementing existing conventions and adopting new instruments, in response to developing needs in the fight against transnational organized crime.

"37. We support and encourage the provision and reporting of clear and accessible information on adhesion to and implementation of the main conventions.

"38. In order to avoid wasteful duplication and to ensure that limited resources are used to best effect, we urge international organizations to coordinate their work programmes and to concentrate their efforts within their areas of competence on activities of practical value to member States.

"39. We will work together in the governing bodies of international organizations whenever possible in order to give more coherent impetus and coordination to the fight against transnational organized crime.

"40. We will seek to ensure that all international organizations that play an effective role in the fight against transnational organized crime have adequate resources to fulfil their mandate.

"We will also examine possibilities for providing appropriate financial resources for specific, practical and viable projects developed by the competent international organizations."

"Annex II

"METHODOLOGICAL POINTS AND CATEGORIZATION OF DATA

"1. Methodological points:

"(a) Exploitation of methods to collect the texts other than the issuance of notes verbales, especially taking into account potential burdens imposed on those States whose languages are not working languages of the United Nations or which do not have any texts translated into such languages;

"(b) Coordination with the work already done by other United Nations entities or relevant international organizations in order to avoid duplication;

"(c) Identification of access points to the depositories of the texts prepared by other United Nations entities and relevant international organizations.

"2. Categorization of data:

"(a) Substantial provisions:

"(i) Participation in a criminal organization (i.e., conspiracy, criminal association);

"(ii) Confiscation and provisional measures;

"(iii) Money laundering;

"(iv) Sentencing;

"(b) Procedural provisions:

"(i) Search and seizure;

"(ii) Electronic surveillance;

"(iii) Undercover operations;

" (iv) Controlled delivery;

"(v) Immunity;

"(vi) Witness protection;

"(vii) Mutual assistance and extradition;

"(c) Other provisions:

"(i) Victim compensation;

"(ii) Bank secrecy;

"(iii) Reporting of suspicious transactions;

"(iv) Border control of proceeds of crime;

"(v) Immigration control;

"(vi) Control over criminal organizations."

"Annex III

"DRAFT UNITED NATIONS FRAMEWORK CONVENTION AGAINST ORGANIZED CRIME

"The States Parties to the present Convention,

"Concerned with the growing threat of organized crime, including the illicit traffic in narcotic drugs and psychotropic substances, money laundering and the illicit traffic in arms, nuclear material and explosive devices, motor vehicles and objects of art, "*Concerned also* with the increasing threat of organized crime to global security and criminal justice,

"*Aware* that organized crime, in its national and transnational dimensions, destabilizes international relations, including interregional, regional, subregional and bilateral cooperation, by exerting an influence on politics, the media, public administration, judicial authorities and the economy by establishing commercial or business-like structures,

"*Convinced* that a flexible and efficient framework for multilateral and bilateral cooperation is required to intensify law enforcement, criminal justice and crime prevention activities of Member States,

"*Recalling* General Assembly resolution 49/159 of 23 December 1994, in which it approved the Naples Political Declaration and the Global Action Plan against Organized Transnational Crime,

"*Recalling further* the recommendations of the Regional Ministerial Workshop on the Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime,

"*Bearing in mind* the United Nations model legal arrangements, such as the Model Treaty on Mutual Assistance in Criminal Matters,[54] the Model Treaty on the Transfer of Proceedings in Criminal Matters,[55] the Model Treaty on Extradition,[56] the Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released[57] and the Model Treaty for the Prevention of Crimes that Infringe on the Cultural Heritage of Peoples in the Form of Movable Property,

"*Mindful* of other existing criminal justice and human rights instruments that provide legal protection to offenders and victims of crime,

"*Affirming* that the matters regulated by the present Convention continue to be governed by the rules and principles of general international law,

"*Have agreed* on the following:

"*Article 1*

"1. For the purpose of this Convention 'organized crime' means group activities of three or more persons, with hierarchical links or personal relationships, which permit the group leaders to earn profits or control territories or markets, internal or foreign, by means of violence, intimidation or corruption, both in furtherance of criminal activity and to infiltrate the legitimate economy, in particular through:

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[54] Resolution 45/117.

[55] Resolution 45/118.

[56] Resolution 45/116.

[57] Resolution 45/119.

"(a) Illicit traffic in narcotic drugs or psychotropic substances, and money laundering, as defined in the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;[58]

"(b) Traffic in persons, as defined in the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949;[59]

"(c) Counterfeiting currency, as defined in the International Convention for the Suppression of Counterfeiting Currency of 1929;

"(d) Illicit traffic in or stealing of cultural objects, as defined by the United Nations Educational, Scientific and Cultural Organization Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970, and the International Institute for the Unification of Private Law Convention on Stolen or Illegally Exported Cultural Objects of 1995;

"(e) Stealing of nuclear material, its misuse or threats to misuse to harm the public, as defined by the Convention on the Physical Protection of Nuclear Material of 1980;

"(f) Terrorist acts;

"(g) Illicit traffic in or stealing of arms and explosive materials or devices;

"(h) Illicit traffic in or stealing of motor vehicles;

"(i) Corruption of public officials.

"2. For the purpose of the present Convention, 'organized crime' includes the commission of an act by a member of a group as part of the criminal activity of such an organization.

"Article 2

"1. Each Contracting State shall make the offences enumerated in article 1 of the present Convention punishable by appropriate penalties that take into account their grave nature.

"2. Each Contracting State shall make punishable acts consisting of participation in or association with an organized crime group whose purpose it is to commit offences.

"3. Each Contracting State shall take necessary measures to create the possibility of the confiscation of the profits deriving from organized crime.

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[58] Official Records of the United Nations Conference for the Adoption of a Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988, vol. I (United Nations publication, Sales No. E.94.XI.5).

[59] Resolution 317 (IV).

"Article 3

"Each Contracting State shall consider establishing in its domestic penal legislation the possibility of criminal liability of corporate persons who derive profits from organized crime or function as a cover for the criminal organization.

"Article 4

"Each Contracting State shall take legislative measures to recognize, in their domestic law, the previous foreign conviction for offences referred to in article 1 of the present Convention for the purpose of establishing the criminal history of the alleged offender.

"Article 5

"1. Each Contracting State shall take legislative measures to establish its jurisdiction over the crimes mentioned in article 1 of the present Convention in the following cases:

"(a) When the crime is committed in the territory of that State or on board a vessel or aircraft registered in that State;

"(b) When the alleged offender is a national of that State. Such jurisdiction shall be independent of the punishability of the act in the place of its commission;

"(c) When the alleged offender is present in its territory and it does not extradite him. Such jurisdiction shall be independent of the punishability of the act in the place of its commission.

"2. This Convention does not exclude any criminal jurisdiction exercised in accordance with the domestic law.

"Article 6

"1. The offences mentioned in article 1 of the present Convention shall be deemed to be included as extraditable offences in any extradition treaty between the Contracting States. The Contracting States undertake to include the offences as extraditable offences in every extradition treaty to be concluded between them.

"2. If a Contracting State that makes extradition conditional on the existence of a treaty receives a request for extradition from another Contracting State with which it has no extradition treaty, it shall consider the present Convention as the legal basis for extradition in respect of the offences mentioned in article 1 of this Convention. Extradition shall be subject to the other conditions provided by the law of the requested State.

"3. The Contracting States which do not make extradition conditional on the existence of a treaty shall recognize the offences mentioned in article 1 of the present Convention as extraditable offences between them, subject to the conditions provided by the law of the requested State.

·4. The Contracting States, subject to their domestic legislation, shall consider simplifying the extradition of consenting persons who waive formal extradition proceedings by allowing direct transmission of extradition requests between appropriate ministries and extraditing persons based only on warrants of arrest or judgements.

·Article 7

·1. Each Contracting State shall consider necessary legislative measures, including extradition of its nationals, if the extradition is requested in respect of any offence defined in article 1 of the present Convention.

·2. Extradition of a national may be granted on the condition that the sentence pronounced abroad will be executed in the requesting State.

·Article 8

·1. The offences mentioned in article 1 of the present Convention shall not be considered political offences for the purpose of extradition.

·2. Extradition shall not be granted if the requested Party has substantial grounds for believing that a request for extradition has been made for the purpose of prosecuting or punishing a person on account of his race, religion, nationality or political opinion, or that a person's position may be prejudiced for any of these reasons.

·Article 9

·Upon being satisfied that the circumstances so warrant, the Contracting State in whose territory the alleged offender is present, shall take a person whose extradition is sought into custody or take other appropriate measures under its domestic law, so as to ensure his presence for the purpose of extradition.

·Article 10

·1. The Contracting States shall afford one another the widest measure of mutual legal assistance, within the conditions prescribed by the domestic legal assistance in investigations, prosecutions and judicial proceedings in relation to the offences mentioned in article 1 of the present Convention, and shall exercise flexibility in the execution of requests for such mutual assistance.

·2. Subject to domestic legislation, legal assistance shall include also the delivery of information constituting bank secrecy.

·Article 11

·1. The Contracting States shall consider entering into bilateral and multilateral agreements, including the direct cooperation between their police agencies and common operations in the territory of each Contracting State.

"2. The Contracting States shall strengthen cooperation in law enforcement training and crime prevention to facilitate mutual assistance and extradition, such as language training, secondments and exchanges.

"3. In the case of existing bilateral and multilateral agreements, the Contracting States shall strengthen efforts to maximize operational and training activities within the International Criminal Police Organization (Interpol) and within other relevant bilateral and multilateral agreements or arrangements.

"Article 12

"1. The Contracting States shall consider entering into bilateral and multilateral agreements on the cooperation between or among criminal justice authorities on the exchange of information concerning all aspects of the criminal activity of persons involved in organized crime as defined in article 1 of the present Convention, including information from their registers of convicted persons.

"2. The Contracting States shall facilitate such exchange of information on the basis of their domestic legislation.

"3. The Contracting States shall consider the establishment of a common data bank on organized criminality, including information on the activities of criminal groups and their members and information on convicted persons.

"4. The collection of information mentioned above shall be carried out with due regard for the need for legal protection of personnel files, as provided for in the domestic and international provisions.

"Article 13

"The Contracting Parties shall cooperate in the establishment and implementation of their respective witness protection programmes, including the protection of witness families, in particular by creating the possibility of the settlement of a foreign protected witness in their territories.

"Article 14

"A Contracting State may adopt more strict or severe measures than those provided by this Convention if, in its opinion, such measures are desirable or necessary for the prevention or suppression of organized crime.

"Article 15

"1. For the purpose of examining the progress made by the Contracting States in achieving the realization of the obligations undertaken in the present Convention, these States shall provide periodic reports to the Commission on Crime Prevention and Criminal Justice, which will carry out the functions hereinafter provided.

"2. The Contracting States undertake to provide such reports within two years of the entry into force of the Convention for the Contracting State concerned, and thereafter every five years.

"3. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Commission with a comprehensive understanding of the implementation of the Convention in the country concerned.

"4. A Contracting State that has submitted a comprehensive initial report to the Commission need not, in its subsequent reports submitted in accordance with paragraph 1 of this article, repeat basic information previously provided.

"5. The Commission may request from the Contracting States further information relevant to the implementation of the Convention.

"6. The Commission shall make its recommendations and submit to the Economic and Social Council reports on its activities, in accordance with existing provisions.

"7. The Contracting States shall make their reports widely available to the public in their own countries.

"Article 16

"In order to foster the effective implementation of the Convention and to encourage international cooperation in the field covered by the Convention:

"(a) Intergovernmental and non-governmental organizations in consultative status with the Economic and Social Council, and other invited multilateral organizations, shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Commission may invite the specialized agencies and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

"(b) The Commission shall transmit, as it may consider appropriate, to the intergovernmental, non-governmental organizations, other multilateral organizations and the specialized agencies, any reports from the Contracting States that contain a request, or indicate a need, for technical advice or assistance, along with the Commission's observations and suggestions, if any, on these requests or indications;

"(c) The Commission may recommend to the Economic and Social Council that it request the Secretary-General to undertake on its behalf studies on specific issues relating to the control and prevention of organized crime;

"(d) The Commission may make suggestions and general recommendations based on information received pursuant to article 14 of the present Convention. Such suggestions and general recommendations shall be transmitted to any Contracting Party concerned and reported to the Economic and Social Council, together with comments, if any, from the Contracting States.

"Article 17

"This Convention shall be open to all States for signature from ______ ____________ to ______________, and thereafter at the Headquarters of the United Nations in New York until ________________.

"Article 18

"The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

"Article 19

"1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification, acceptance, approval or accession.

"2. For each Contracting State ratifying, accepting, approving or acceding to the Convention after the deposit of the twentieth instrument of such action, the Convention shall enter into force on the thirtieth day after the deposit by such State of that relevant instrument.

"Article 20

"1. The Contracting State may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the Contracting States with a request that they indicate whether they favour a conference of Contracting States for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of Contracting States present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

"2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of Contracting States.

"3. When an amendment enters into force, it shall be binding on those State Parties that have accepted it, other Contracting States still being bound by the provisions of the present Convention and any earlier amendments they have accepted.

"Article 21

"1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by Contracting States at the time of ratification, acceptance, approval or acceding.

"2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

"3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General.

"Article 22

"A Contracting Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

"Article 23

"The Secretary-General of the United Nations is designated as the depository of the present Convention.

"Article 24

"The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

"IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention."

"Annex IV

"REPORT OF THE CHAIRMAN OF THE WORKING GROUP ON THE IMPLEMENTATION OF THE NAPLES POLITICAL DECLARATION AND GLOBAL ACTION PLAN AGAINST ORGANIZED TRANSNATIONAL CRIME AND THE QUESTION OF THE ELABORATION OF AN INTERNATIONAL CONVENTION AGAINST ORGANIZED TRANSNATIONAL CRIME

"1. The Working Group was established pursuant to Economic and Social Council resolution 1996/27 and its mandate was set out in paragraph 10 of that resolution. The General Assembly, in its resolution 51/120, requested the Commission on Crime Prevention and Criminal Justice to consider as a matter of priority the question of the elaboration of an international convention against organized transnational crime, taking into account the views of all States on that matter, with a view to finalizing its work on this question as soon as possible. The Commission was also requested to report through the Economic and Social Council to the General Assembly at its fifty-second session on the results of its work on that question. The Working Group was therefore given the task of assisting the Commission in implementing the above-mentioned requests of the General Assembly.

"2. The Working Group had before it the following documents:

"(a) Report of the Secretary-General on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime;[60]

"(b) Report of the Secretary-General on the question of the elaboration of an international convention against organized transnational crime;[61]

"(c) Report of the informal meeting on the question of the elaboration of an international convention against organized transnational crime, held at Palermo, Italy from 6 to 8 April 1997;[62]

"(d) Report of the Intergovernmental Expert Group Meeting on Extradition, held at Siracusa, Italy from 10 to 13 December 1996.[63]

"3. The Working Group was also provided with the following documents:

"(a) Views of the Government of the United States of America on the most effective means for discussion of the issue of elaboration of conventions;

"(b) Views of the Government of Germany on an alternative solution for a United Nations convention on combating transnational organized crime;

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[60] E/CN.15/1997/7.

[61] E/CN.15/1997/7/Add.1.

[62] E/CN.15/1997/7/Add.2, annex.

[63] E/CN.15/1997/6 and Corr.1, annex.

"(c) The forty recommendations elaborated and endorsed by the Senior Experts Group on Transnational Organized Crime, which met at Lyon, France from 27 to 29 June 1996;

"(d) Non-paper containing a tentative idea of the Japanese delegation in relation to the elaboration of a convention on measures against organized crime.

"4. The Working Group first discussed the question of the elaboration of an international convention against organized transnational crime. The Working Group was of the view that its contribution would be most useful to the Commission if it considered the scope and content of such a convention, rather than engaging in a drafting exercise, which would be outside the mandate given by the Council and the Assembly and would require significantly more time than was available. The Working Group felt that organized crime presented grave global dangers to development and security and that the challenges it posed were becoming greater with time. In determining the scope and content of such a convention, the international community could draw on the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[64] but should be able to come up with new and more innovative and creative responses.

"5. The Working Group recognized that it was desirable to develop a convention that would be as comprehensive as possible. In this connection, several States indicated that their remaining reservations on the effectiveness and usefulness of a convention were contingent upon its scope of application and the measures for concerted action that such an instrument would include. Several States stressed the importance they attached to the nature of a convention as a framework instrument. One difficult issue would be arriving at an acceptable definition of organized crime. It was indicated, however, that that issue was not insuperable, especially in the presence of a strong and sustained political will. Several States were of the view that the definition was not necessarily the most crucial element of a convention and that the instrument could come into being without a definition of organized crime. In this connection, it was also suggested that the phenomenon of organized crime was evolving with such rapidity that a definition would limit the scope of application of a convention by omitting activities in which criminal groups might engage. Other States felt that the absence of a definition would send the wrong signal regarding the political will and commitment of the international community. In addition, avoiding the issue would eventually create problems regarding the implementation of a convention. In view of all this, concerted efforts to arrive at a solution should be made. There were several very important advances made at the regional level, where the matter of some of the constituent elements of a workable definition had been satisfactorily resolved. One example was the solution found for defining participation in organized criminal groups, used in the European convention on extradition. The problem of definition could be solved by looking at each of its elements separately. It was suggested that a first step towards a definition might be to use the definitions of offences contained in other international instruments. It was agreed that the work required in connection with the definition could not be carried out by the Working Group but should be undertaken by governmental experts at a future time. There was also discussion about whether in elaborating the definition, the focus should be on the transnational aspects of organized crime or on organized crime in general. It was pointed out that the mandate of the Commission was related to organized transnational crime but that the issue required further serious consideration in the context of determining the overall scope of a convention.

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[64] Official Records of the United Nations Conference for the Adoption of a Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988, vol. I (United Nations publication, Sales No. E.94.XI.5).

"6. In the context of the discussion on whether such a convention should include a list of offences, some States expressed their support for the inclusion of terrorist acts in such a list. Many States were of a contrary view, recalling the initiatives currently under way in the United Nations and other forums on terrorism and the conclusions of the Commission at its fifth session.

"7. The Working Group agreed that it would be useful to focus on widely accepted constituent elements of organized crime. In the discussion that ensued, the elements identified included some form of organization; continuity; the use of intimidation and violence; a hierarchical structure of groups, with division of labour; the pursuit of profit; and exercising influence on the public, the media and political structures.

"8. The Working Group decided that the best way to proceed for the purpose of advancing the issue was to seek common ground, utilizing as many previous contributions as possible and building on the positive experience and valuable work done at other forums, such as the European Union and the Senior Experts Group on Transnational Organized Crime. The draft United Nations framework convention against organized crime[65] was a useful point of departure and a good basis for further work. In this connection, the Working Group decided to discuss matters related to international cooperation in criminal matters that would form an essential part of an international legally binding instrument. The overriding concern would be to equip the international community with an effective instrument to strengthen action against organized crime.

"9. The Working Group agreed that extradition was crucial to international cooperation against organized crime and, as such, it would form a central component of such a convention. A number of States indicated that the extradition of nationals presented several legal and constitutional problems. While some States were in the process of studying the matter in depth, with a view to finding more efficient solutions and improving international cooperation, it would be difficult for them to comply with a provision envisaging extradition of nationals. It was consequently deemed important to incorporate in a convention a more detailed provision regarding the application of the principle aut dedere aut judicare. Since there were a number of countries where extradition of nationals was possible and it was also believed that a trend in that direction might develop in the future, it was agreed that the provision of article 7 of the draft United Nations framework convention was a good basis for discussion and should be retained. It was also agreed that the option of extraditing nationals should be left open, while specifying that extradition would be governed by national constitutional and legal provisions. It was suggested that in finding an acceptable solution to this matter, the formula contained in the draft convention on terrorist bombings regarding extradition could be relied upon. Inspiration could also be drawn from the Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.[66] In addition, reference was made to article 6 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, which could be used as a model to arrive at a more comprehensive extradition regime.

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[65] Annex III above.

"10. On the question of corporate criminal liability (contained in article 3 of the draft United Nations framework convention), several States indicated that the concept was still not reflected in their legislation. In those States, criminal liability was personal and corporate entities could be held accountable only under civil and administrative law. Even where the concept of corporate criminal liability had begun to be introduced, such liability was attached to the person of the executive responsible for the management of the corporate entity. It was explained that the problem was one of legal tradition and philosophy, while it was recognized that corporate criminal liability was a powerful deterrent, particularly in view of the tendency of criminal groups to operate using corporate entities, either infiltrated or set up for the purpose of masking the nature of their illicit activities. The issue of corporate criminal liability was considered important but it required further clarification and elaboration in order to take into account the varying legal traditions of countries.

"11. Regarding the recognition of foreign convictions (contained in article 4 of the draft United Nations framework convention), it was indicated that there were a number of issues that required clarification and further work. It was clarified that the term 'conviction' was used in the sense of a finding of guilt and that the article tried to capture the essence of and build upon the concept reflected in paragraph 5 (h) of article 3 of the 1988 Convention. While the issue of prior criminal history was deemed important, because of its potential usefulness to the expeditious judicial processing of organized crime cases, it was necessary to discuss in detail the modalities for the exchange of the relevant information and the weight to be given to previous convictions in the framework of each jurisdiction. It was also indicated that the matter was directly related to the scope of application of such a convention, particularly regarding substantive law. It was important to formulate a provision on this issue that would ensure avoidance of problems related to double jeopardy or to offences existing in one jurisdiction but not in another.

"12. On police cooperation (article 11 of the draft United Nations framework convention), the issue of joint police operations merited further discussion, as it created a number of concerns for several countries. The desirability of closer cooperation between law enforcement agencies had been expressed in the Naples Political Declaration and Global Action Plan, but it was deemed important to stress that such cooperation would be pursued in accordance with national legislation. Similar provisions were included in the 1988 Convention and could be useful to the discussion of this question. With regard to paragraphs 2 and 3 of article 11, it was pointed out that the concept they contained was valid, but further work would be necessary in specifying modalities for application, especially in the context of a legally binding instrument such as a convention.

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[66] S/25704 and Corr.1, annex.

"13. Regarding article 12 of the draft United Nations framework convention, it was agreed that the idea was very important in view of the essential role reliable information played in action against organized crime. The provision, however, required considerably more work because the issue of databases involved a number of important matters, such as accessibility, protection of data, and safeguards related to the protection of privacy, in addition to costs for the creation and maintenance of such databases. All these issues needed to be resolved in a manner acceptable to all, while retaining the usefulness of a database.

"14. There was general acceptance of the importance of witness protection (reflected in article 13 of the draft United Nations framework convention). Some States took the opportunity to indicate their intention to establish witness protection programmes, while others advised caution in approaching the matter, because of the risks associated with this mechanism, which related to the social conditions prevailing in countries and the possibility of diminished credibility of certain witnesses.

"15. The Working Group then discussed the issue of mutual legal assistance (article 10 of the draft United Nations framework convention), which was deemed one of the most important cooperation mechanisms to feature in a convention against organized crime. Article 10 was similar to the provisions of other United Nations instruments, but in view of the more comprehensive nature of the proposed convention, the provisions on mutual assistance should be more detailed and more innovative. The 1988 Convention could be used as a source of inspiration in order to arrive at the level of detail that was necessary. In this connection, reference was also made to the report of the informal meeting held at Palermo, which had discussed this issue extensively and included material for further consideration.

"16. The Working Group agreed that considerable work was required on the issue of the convention. For this purpose, it proposed that an open-ended intergovernmental inter-sessional group of experts should be established to consider all pending proposals related to the issue of conventions, as well as all elements thereof and appropriate cooperation modalities and mechanisms.

"17. The Working Group discussed and endorsed the proposals of the Secretary-General on the follow-up action for the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime. The Working Group expressed its support for the maintenance and expansion of the central repository on national legislation and other information and data related to organized transnational crime. It was suggested that the Secretariat should make efforts to identify methods for collecting information and legislative texts rather than merely addressing requests to States in the form of notes verbales. Concern was expressed regarding the resources necessary to undertake the activities required for follow-up action. In this connection, the importance attached to practical action to foster the implementation of the Naples Political Declaration and Global Action Plan was reiterated."

"Annex V

"VIEWS OF THE GOVERNMENT OF UNITED STATES OF AMERICA ON THE MOST EFFECTIVE MEANS FOR DISCUSSION BY THE COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE AT ITS SIXTH SESSION OF THE ISSUE OF ELABORATION OF CONVENTIONS

"1. The Government of the United States of America considers it very important that discussion of all proposals for elaboration of multilateral conventions to combat criminal conduct take place in the Working Group of the Commission on Crime Prevention and Criminal Justice on the Implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, in particular, the question of the elaboration of an international convention against organized crime. Such a discussion will be useful as a means for stimulating thought on the extent to which the various proposals can and should be incorporated into a single instrument. In addition, it will enable delegations to focus on the priority to be set concerning the criminal conduct governed by these different proposals.

"2. In addition to the proposal presented by the Government of Poland for a United Nations framework convention on combating organized crime,[67] the following five proposals for multilateral conventions are either the subject of draft resolutions to be considered by the Commission on Crime Prevention and Criminal Justice at its sixth session, or have been broached in informal discussions among member States: the proposal presented by the Government of Argentina for a convention to combat trafficking in children; the recommendation of the Buenos Aires expert group on combating corruption; a possible multilateral convention on firearms;[68] a possible convention on trafficking in illegal migrants;[69] and a possible convention on theft of motor vehicles.[70] However, Poland's proposed framework convention on organized crime is intended to cover all of the other proposals in whole or in part by including, under article 1, trafficking in persons, corruption of public officials, illicit trafficking or stealing of arms and illicit trafficking or stealing of motor vehicles. Thus, these or any other potential single-issue conventions may be to some degree duplicative of Poland's proposal and, if consensus is reached on inclusion of such types of criminality in a framework convention on organized crime, it may subsequently be unnecessary to negotiate further instruments.

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[67] Annex III above.

[68] The Government of Mexico introduced a proposal for such a convention to the Organization of American States.

[69] It is the understanding of the Government of the United States of America that a member of the Western European and other Group is exploring the possibility of introducing such a proposal.

[70] The Government of Poland has introduced a resolution calling for the adoption of a model treaty on combating this form of criminality.

"3. Moreover, as more fully set forth in the appendix to the present annex,[71] certain types of cooperation mechanisms cannot be dispensed with in combating organizations that engage in multiple forms of criminality; such mechanisms include law enforcement information exchange, training and technical assistance, mutual assistance, asset seizure and forfeiture, witness protection, extradition and harmonization of substantive criminal laws. The international community may decide that a single instrument would best ensure that all of these areas are addressed with sufficient consistency, that limited resources for negotiating conventions and fighting organized crime are used most efficiently and that the fight against organized crime is carried out in a comprehensive and logical fashion. If so, it would be inadvisable to continue to discuss the elaboration of other instruments separately.

"4. Finally, discussion of the merits of all potential instruments in the Working Group will be useful for the purpose of comparing the gravity of the various forms of criminality and determining which aspects constitute the most significant transnational criminal problems. The discussion of the level of prioritization that should be given to each form of criminality may assist the Commission in determining the extent to which other multilateral conventions should be pursued separately from a framework convention on organized crime, or whether they should be pursued at all.

"Appendix

"IMPLEMENTATION OF RECOMMENDATIONS 35 AND 36 OF THE SENIOR EXPERTS GROUP

"RECOMMENDATIONS FOR COMBATING TRANSNATIONAL ORGANIZED CRIME: THE SUPPLEMENTATION OF EXISTING MULTILATERAL CONVENTIONS OR ADOPTION OF NEW CONVENTIONS TO ASSIST IN THE FIGHT AGAINST TRANSNATIONAL ORGANIZED CRIME

"Introduction

"1. Recommendation 35 of the Senior Experts Group on Transnational Organized Crime calls for States to adhere to and implement relevant existing multilateral conventions whose provisions contribute to the fight against all forms of transnational organized crime, while recommendation 36 contemplates a review of the feasibility of updating existing conventions and adopting new instruments in order to enhance the ability of States to fight transnational organized crime.

"2. Among the existing conventions that the Senior Experts Group has catalogued for the purpose of considering whether updating is feasible are: the Slavery Convention (1926) as amended by the 1953 Protocol;[72] the Supplementary Convention on the Abolition of Slavery, the Slave Trade and

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[71] The appendix was submitted to stimulate discussion in the Senior Experts Group on Transnational Organized Crime on the means of implementing recommendations 35 and 36 of its forty recommendations for combating transnational organized crime.

[72] United Nations, Treaty Series, vol. 212, No. 2861.

Institutions and Practices Similar to Slavery (1956);[73] the International Convention for the Suppression of Counterfeiting Currency (1929); the International Forced Labour Convention (1930);[74] the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949);[75] the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1971);[76] and the International Convention on Mutual Administrative Assistance for the Prevention, Investigation and Repression of Customs Offences (1977).[77]

•3. In addition, the Government of Poland introduced, at the fifty-first session of the General Assembly, a draft United Nations framework convention against organized crime.[78] The proposal raises issues regarding the feasibility of adopting a single convention to combat transnational organized crime, in contrast with the updating of existing instruments or adoption of a number of new instruments each dealing with a separate type of criminal conduct.

•4. Various options available for using multilateral instruments to fight transnational organized crime are briefly analysed below. Section I discusses the above-mentioned existing conventions, outlining some of the modifications that would be required to update them effectively to address contemporary phenomena of transnational organized crime. Section II examines additional multilateral instruments that could be adopted in order to combat transnational organized crime. Finally, section III contains a discussion of the potential benefits and drawbacks arising from the elaboration of a single consolidated framework convention on organized crime.

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[73] Ibid., vol. 266, No. 3822.

[74] Human Rights: A Compilation of International Instruments (United Nations publication, Sales No. E.93.XIV.1 (vol. I, Part 1)).

[75] General Assembly resolution 317 (V) of 2 December 1949.

[76] United Nations, Treaty Series, vol. 823, No. 11806.

[77] The Senior Experts Group also included in its inventory of main international conventions dealing with organized crime the Single Convention on Narcotic Drugs of 1961 (United Nations, Treaty Series, vol. 520, No. 7515), as amended by the 1972 Protocol (United Nations, Treaty Series, vol. 976, No. 14152), the Convention on Psychotropic Substances of 1971 (United Nations, Treaty Series, vol. 1019, No. 14956) and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988, vol. I (United Nations publication, Sales No. E.94.XI.5). Given that the 1988 Convention is one of the most up-to-date and effective conventions dealing with organized crime and that it effectively supplements the 1961 Convention and the 1971 Convention, the merits of updating any of these instruments are not discussed below.

[78] A/C.3/51/7, annex; see also annex III above.

"I. Updating existing instruments

"A. Slavery Convention (1926) as amended by the 1953 Protocol and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (1956)

"5. The Slavery Convention as amended by the 1953 Protocol defines slavery and slave trading, obligating States parties to take various actions, including criminalization, to suppress those practices. The Supplementary Convention defines a number of practices akin to slavery (including debt bondage, serfdom, marriage practices exploitative of women's labour and exploitation of children's labour by their parents or guardians); it also obligates States parties to abolish those practices, criminalize certain specified conduct integral to the perpetuation of slavery and the slave trade and cooperate with each other in carrying out the purposes of the Convention. The conventions have been widely ratified.

"6. Neither the Slavery Convention nor the Supplementary Convention as presently drafted deal specifically with transnational organized crime, nor can they readily be interpreted to impose an obligation upon States parties to criminalize such related manifestations of modern organized crime as the exploitation of illegal immigrants by organized criminal groups that have smuggled them across international boundaries, the use by criminal groups of compulsion as part of their perpetuation of the international prostitution trade or the compelling of minors to participate in international pornography rings. However, amendment of these instruments may be of assistance in combating these forms of trafficking in persons.[79]

"7. Effective broadening of these conventions will require States to reach agreement both on the need to criminalize a number of additional classes of conduct and on general definitions of those offences. In addition, since both the Slavery Convention and the Supplementary Convention lack specific cooperation mechanisms to suppress such conduct between national law enforcement authorities, supplementation would require the drafting of a number of such mechanisms.[80]

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[79] It may be that these and other similar activities engaged in by organized criminal groups also could be appropriately included under the International Forced Labour Convention or the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, both of which are discussed below.

[80] In addition to cooperation measures frequently provided for in more modern multilateral instruments, such as designating covered offences as extraditable between States parties, non-application of the political offence doctrine and the imposition of general obligations to cooperate, the Senior Experts Group recommended a number of additional mechanisms for consideration, including: providing mutual assistance notwithstanding the absence of dual criminality (recommendation 3); gathering evidence in the manner sought by the requesting State (recommendation 4); strategic coordination of prosecutions and mutual assistance measures where a criminal activity occurs in several countries (recommendation 7); allowing for the possibility of transfer or conditional extradition of nationals (recommendation 10); exchanges of information and personnel between law enforcement agencies of different countries (recommendations 11, 12, 21, 23-28 and 34); witness protection arrangements (recommendations 13-15); use of investigative techniques such as electronic

"8. On balance, effective modernization would appear to require negotiation of a significant number of new provisions. Negotiating a supplemental instrument could also be complicated if some States regarded the occasion as an opportunity to reopen the debate on issues resolved at the time the conventions were originally concluded. Given these factors, the Senior Experts Group should weigh whether supplementation would be preferable to the elaboration of a new instrument or instruments to combat these forms of criminal conduct.

"B. International Forced Labour Convention (1930)

"9. The International Forced Labour Convention limits the conditions under which "forced or compulsory labour" can be required and obligates States parties to suppress and criminalize those forms of compelled labour not sanctioned by the Convention.

"10. Although the exploitation of compelled labour by criminal groups described in section I.A above may be violative of the terms of the International Forced Labour Convention in its present form, few States parties have established these forms of exploitation as discrete offences or have provided for enhanced penalties to deter sophisticated criminal groups from committing such offences. Thus, to be an effective means of suppressing the exploitation of persons controlled by organized criminal groups, the Convention would have to be amended accordingly.

"11. As in the case of the slavery conventions, given the need to define and punish additional classes of criminal conduct and to include provisions related to law enforcement cooperation, adoption of a supplemental or amended instrument may require as extensive an effort as the elaboration of a separate new instrument or instruments.

"C. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949)

"12. The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others obligates States parties to criminalize the procuring of persons to engage in prostitution and other conduct integral to the propagation of prostitution. It contains more extensive provisions for law enforcement cooperation than the Slavery Convention or the International Forced Labour Convention, including provisions requiring: (a) covered offences to be considered extraditable between States parties; (b) prosecution of offenders by a State party that declines to extradite on the basis of the offender's nationality;
(c) cooperation by States parties (subject to domestic law) in the execution of letters of request regarding covered offences;
(d) establishment of central authorities to coordinate implementation of the Convention and cooperate with other States; and (e) sharing of information regarding offences and offenders between States parties.

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surveillance, undercover operations and controlled deliveries (recommendation 26); confiscation of proceeds of crime (recommendation 30); and monitoring of financial instruments (recommendations 31 and 34).

"13. Effective updating of this Convention could prove difficult, given that a significant number of States have not ratified it. In any case, substantial modification would appear to be required to ensure the broad criminalization of such phenomena as the exploitation of minors in conjunction with the production of pornographic materials or sex tourism and to ensure that States parties are obligated to impose suitably enhanced punishment on participants in organized criminal schemes to engage in such conduct. Moreover, although this instrument focuses to a greater extent on cooperation mechanisms than either the Slavery Convention or the International Forced Labour Convention, many additional forms of cooperation recommended by the Senior Experts Group as useful in fighting transnational organized crime are not presently included and a number of them could presumably be inserted.[81]

"D. International Convention for the Suppression of Counterfeiting Currency (1929)

"14. The International Convention for the Suppression of Counterfeiting Currency obligates States parties to criminalize counterfeiting or alteration of domestic or foreign currency, as well as the distribution of counterfeit or altered currency. It also provides for: (a) confiscation of such currency; (b) covered offences to be considered extraditable between States parties; (c) prosecution of offenders by States parties that decline to extradite on the basis of the offender's nationality; (d) cooperation between States parties (subject to domestic law) in the execution of letters of request regarding covered offences; (e) establishment of central authorities to coordinate implementation of the Convention and cooperate with States; and (f) sharing of information between States parties regarding offenders and evidence of offences.

"15. The application of this instrument is limited in scope to counterfeit or altered currency. Significant supplementation or the adoption of new instruments would be required to address such issues of concern as counterfeiting or alteration of credit cards, electronic transfers and other negotiable instruments and the need to provide for enhanced cooperation mechanisms in combating such criminal conduct.

"E. Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1971)

"16. The Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property obligates States parties to suppress illicit traffic in archaeological, historical, artistic and other property designated by States as being of particular cultural value, without explicitly requiring criminalization of proscribed conduct. The Convention also provides for, inter alia, confiscation and return of cultural property to States parties from which it was removed and the designation of authorities for implementation of the Convention.

"17. Effectively updating this Convention could prove difficult in practice, for a significant number of States have not ratified it. In addition, given that it contains no explicit criminalization or law enforcement cooperation requirements, modernization would appear to entail as much effort as would the creation of new instruments governing other related areas.

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[81] For a more complete inventory of potential cooperation mechanisms that could be provided for, see footnote 80.

"F. International Convention on Mutual Administrative Assistance for the Prevention, Investigation and Repression of Customs Offences (1977)

"18. The International Convention on Mutual Administrative Assistance for the Prevention, Investigation and Repression of Customs Offences provides a broad framework for joint investigation, exchanges of information and other mutual assistance between States parties in connection with violations of customs laws, including smuggling of narcotics, cultural property and other contraband. It does not obligate States to criminalize particular forms of conduct.

"19. The Convention has been ratified by three members of the political group of eight (P-8) and 31 other States. Although additional States have expressed an interest in ratifying the Convention since it was amended in 1995 to permit contracting parties to make reservations, the permitting of reservations may hamper any effort to achieve broad implementation. Nonetheless, many of the forms of cooperation set forth in the Convention are useful mechanisms for international law enforcement and can serve as examples of cooperation mechanisms that might be drafted for insertion in other instruments governing transnational smuggling.

"II. Adoption of instruments addressing other forms of criminal conduct

"20. In addition to supplementing and modernizing existing conventions, Senior Experts Group recommendation 36 calls for consideration of the adoption of new instruments to respond to developing needs in the fight against transnational organized crime. In a number of other recommendations, the Senior Experts Group has already identified additional forms of criminal conduct for which there is a need for a concerted international law enforcement response to the infiltration of organized crime. Similar expressions of concern have been made in other international forums and by various States in their individual efforts to combat transnational organized crime. Some of the areas in which the need for action may be particularly acute and regarding which the Senior Experts Group may wish to evaluate the utility of adopting a new instrument or instruments are as follows:

"(a) Extortion and other violent crimes carried out by organized groups for profit;

"(b) Bribery and other corrupt practices;

"(c) Smuggling of and trafficking in nuclear materials for weapons of mass destruction;

"(d) Intellectual property violations;

"(e) Money laundering;

"(f) Crimes involving computers and other advanced technologies;

"(g) Illicit trafficking in firearms;

"(h) Auto theft.

"21. Such an evaluation will require weighing such factors as the likelihood of elaborating an instrument that will enjoy widespread acceptance within the international community, the likely degree of effectiveness the instrument will have in aiding the suppression of the targeted conduct and the commitment of time and resources that will be required to elaborate a series of instruments governing these types of criminal conduct.[82]

"III. Adoption of a single instrument on transnational organized crime

"22. Consideration could also be given to the alternative approach of adopting a single integrated instrument on various forms of criminal conduct engaged in by transnational groups. As previously stated, the Government of Poland introduced such a draft convention at the fifty-first session of the General Assembly.

"23. The major advantage of a single instrument creating obligations to criminalize and cooperate in combating a number of categories of conduct is the advantage it offers in terms of preserving time and resources over the negotiation of a series of new or supplemental instruments, each addressing a limited class of criminal conduct. Since each separate convention would likely contain a number of similar (if not identical) provisions, for example with regard to extradition of fugitives, legal assistance and other cooperation mechanisms, negotiation of a single instrument could be expected to save considerable time and avoid needless renegotiation of such common provisions. In addition, the promulgation of a single instrument would appear useful to arriving at an integrated response to particularly serious forms of transnational organized crime, since specialists in a number of law enforcement disciplines would collaborate in devising an effective unified strategy for cooperation in combating these phenomena and since a single secretariat administering the convention would be more easily able to identify and correct practical problems arising in the implementation of the strategy.

"24. The structure of the convention itself could take several possible forms. One approach could be for it to address a specific list of offences of the type set forth in section II, above. Another approach might be to draft a convention that, like the proposal by the Government of Poland, seeks to define the term "organized crime", and to include specific types of conduct under its rubric.

"25. The former approach, by virtue of being less complex, may enjoy some advantages over the latter. Initially, it may be difficult to arrive at a definition of "organized crime" that enjoys widespread acceptance. As illustrated in the inventory of documents prepared by the Senior Experts Group, numerous different definitions of the term "organized crime" have been devised. Given the great diversity among modern criminal groups, reaching a single meaningful definition will likely prove elusive and may interfere with the successful conclusion of the convention. Moreover, great care would have to be taken to ensure that the definition of "organized crime" did not inadvertently legitimize actions by undemocratic Governments to suppress legitimate political opposition.

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[82] A supplemental or alternative approach to dealing with some of the areas listed above could be the development and widespread dissemination of model legislation, accompanied by multilateral and bilateral technical assistance to facilitate enactment and enforcement of the new laws.

"26. In addition, a number of States may wish the definition of organized crime to encompass terrorism,[83] leading to problematic results. For example, the inclusion of terrorism may lead to an effort to define it more precisely, a task that will be extremely difficult given the traditional divide between those States that consider acts of violence carried out by "national liberation movements" to be permissible and those that wish to proscribe such conduct. The effort to define terrorism will thus divert attention from other issues, and will ultimately not be conducive to achieving consensus. Inclusion of terrorism may also result in duplication of provisions contained in the significant number of existing instruments aimed at combating terrorism.[84]

"27. Even if no effort is made to define these terms, there may be some difficulty in reaching agreement on the list of conduct to be proscribed under the convention. The convention may be seen by some States as an opportunity to seek inclusion of modes of criminality as to which there can be at best a marginal claim that they constitute a significant transnational criminal problem. For example, a small number of States have called for conventions to combat illicit international adoption, trafficking in body parts or racial hatred. However, any effort to broaden the convention too greatly would divert focus from types of criminality that need to be addressed most urgently and could also make it more difficult to identify appropriate cooperation mechanisms for combating the conduct proscribed by the convention.

"28. The Government of the United States has prepared a discussion draft of a convention for the suppression of transnational organized crime, illustrating how a convention adhering to the recommendations of the Senior Experts Group could be structured. It is hoped that consideration of that document, together with the proposal by Poland, may be useful to the discussion of this issue.

"29. It is conceivable that there are other approaches that might be viable in this area, including the elaboration of a single instrument addressing a much more limited list of criminal activities than that described either in the discussion draft of the United States, presented below, or in the proposal by Poland, on which there is clear consensus that immediate criminalization and enhanced cooperation are required.

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[83] For example, Poland's proposal includes "terrorist acts" as a manifestation of organized crime.

[84] The Senior Expert Group on Terrorism is also currently considering a United States proposal for a United Nations convention for the suppression of terrorist bombings.

"DRAFT CONVENTION FOR THE SUPPRESSION OF TRANSNATIONAL ORGANIZED CRIME

"The States Parties to this Convention,

"Deeply concerned about the threat posed by the rapid development of transnational organized crime,

"Being convinced that the rapid growth and geographical extension of transnational organized crime is a major concern of all countries and that it calls for a concerted response from the international community,

"Desiring to conclude an effective international convention directed specifically against serious organized transnational crime,

"Have agreed as follows:

"Article 1

"Offences and sanctions[85]

"1. Each State Party shall make punishable by appropriate penalties that take into account their grave nature,[86] the following conduct:

"[Insert definition of transnational organized crime, or offences covered by this convention]

"2. The provisions of this article shall not affect the obligations regarding the criminalization of offences pursuant to any other multilateral treaty.

"Article 2

"Establishment of jurisdiction

"1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 1 when the offence is committed in the territory of that State.

"2. A State Party may also establish its jurisdiction over any such offence when:

"(a) The alleged offender is a national of that State;

"(b) The offence was committed against a national of that State; or

"(c) The offence has substantial effects in that State.

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[85] Title used in article 3 of the 1988 Convention, defining the crimes covered by the Convention.

[86] Many of the offences on the list may already be punishable under the laws of States parties, but without enhanced punishment if a part of organized criminal activity. It may be necessary to draft additional language to ensure such enhanced punishment.

"3. Each State Party shall also take such measures as may be necessary to establish its jurisdiction over these offences in cases where the alleged offender is present in its territory and it does not extradite or transfer that person for trial pursuant to article 4, paragraph 6, to any of the States Parties that have established their jurisdiction in accordance with paragraph 1 or 2 of this article.

"4. This Convention does not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its domestic law.

"5. The provisions of this article shall not affect the obligations with regard to the establishment of jurisdiction over offences pursuant to any other multilateral treaty.

"Article 3

"Extradite or prosecute

"1. The State Party in the territory of which the offender or the alleged offender is found, if it does not extradite that person or transfer that person for trial pursuant to article 4, paragraph 6, shall be obliged, upon request of the State Party seeking extradition or transfer, in cases where article 2 applies without exception whatsoever and whether or not the offence was committed in its territory, to submit the case without delay to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State. Those authorities shall take their decision in the same manner as in the case of any other offence of a grave nature under the law of that State.

"2. Any person regarding whom proceedings are being carried out in connection with any of the offences set forth in article 1 shall be guaranteed fair treatment at all stages of the proceedings, including enjoyment of all the rights and guarantees provided by the law of the State in the territory of which that person is present.

"Article 4

"Additional requirements

"1. Upon being satisfied that the circumstances so warrant, any State Party in the territory of which the offender or the alleged offender is present shall, in accordance with its laws, take that person into custody or take other measures to ensure that person's presence for such time as is necessary to enable any criminal or extradition proceedings to be instituted. Such State shall immediately make a preliminary inquiry, in accordance with its own laws.[87]

"2. Any person regarding whom the measures referred to in paragraph 1 of this article are being taken shall be entitled:

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[87] International Convention against the Taking of Hostages (General Assembly resolution 34/146, annex, article 6, paragraph 1).

"(a) To communicate with the nearest appropriate representative of the State of which that person is a national or which is otherwise entitled to establish such communication or, if that person is a stateless person, the State in the territory of which that person habitually resides;

"(b) To be visited by a representative of that State.[88]

"3. The rights referred to in paragraph 2 of this article shall be exercised in conformity with the laws and regulations of the State in the territory of which the offender or the alleged offender is present, subject to the provision that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 1 of this article are intended.

"Article 5

"Rules relating to extradition[89]

"1. The offences set forth in article 1 shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

"2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, the requested State Party may at its option consider this Convention as a legal basis for extradition in respect of the offences set forth in article 1. Extradition shall be subject to the other conditions provided by the law of the requested State.

"3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences set forth in article 1 as extraditable offences between themselves, subject to the conditions provided by the law of the requested State.

"4. The offences set forth in article 1 shall be treated, for the purposes of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in a place within the jurisdiction of the State Party requesting extradition.[90]

"5. For purposes of extradition between the States Parties, none of the offences set forth in article 1 shall be regarded as a political offence or as an offence connected with a political offence or as an offence inspired by political motives.

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[88] Vienna Convention on Consular Relations (1963) (United Nations, Treaty Series, vol. 596, No. 8638), article 36.

[89] Senior Experts Group recommendation 10.

[90] Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (United Nations, Treaty Series, No. 29004), article 11, paragraph 4.

"6. If a State Party denies extradition to another State Party for an offence set forth in article 1 because the person sought is a national of the requested party, the requested party shall, upon request of the requesting party, transfer the person to the requesting party for trial or other proceedings and the person transferred shall be returned to the requested party to serve any sentence imposed in the Requesting Party as a result of the trial or proceedings for which transfer was made.

"7. With respect to the offences as defined in this Convention, the provisions of all extradition treaties and arrangements applicable between States Parties are modified as between States Parties to the extent necessary to give effect to the provisions of this Convention.

"Article 6

"Mutual legal assistance

"1. States Parties shall afford one another the greatest measure of assistance in connection with proceedings brought in respect of the offences set forth in article 1, including assistance in obtaining evidence at their disposal necessary for the proceedings.

"2. States Parties shall carry out their obligations under paragraph 1 in conformity with any treaties on mutual assistance that may exist between them or pursuant to domestic law.[91]

"3. For offences established in accordance with this Convention, a State Party shall not decline to render mutual legal assistance on the ground of bank secrecy or on the ground that there is an absence of dual criminality.[92]

"4. States Parties shall adopt measures sufficient to enable a person in the custody of one State Party whose presence in another State Party is requested for purposes of assistance under this Convention to be transferred if the person consents and if the competent authorities of both States agree. For purposes of this paragraph:

"(a) The State to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise authorized by the State from which the person was transferred;

"(b) The State to which the person is transferred shall return the person to the custody of the State from which the person was transferred as soon as circumstances permit or as otherwise agreed by the competent authorities of both States;

"(c) The State to which the person is transferred shall not require the State from which the person was transferred to initiate extradition proceedings for the return of the person;

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[91] Given the potentially broad scope of this Convention and the possibility that it will be open to ratification or accession by any State, narrower legal assistance obligations of the kind set forth here may be appropriate.

[92] Senior Experts Group recommendation 3, see the 1988 Convention, article 7, paragraph 5.

"(d) The person transferred shall receive credit for service of the sentence imposed in the State from which he was transferred for time served in the custody of the State to which he was transferred.

"5. In order to ensure the protection of witnesses, States Parties shall, on request, limit disclosure of the addresses or identifying particulars of persons who testify. States Parties shall also adopt measures to permit, upon request, persons to testify by telecommunications or video link or use other modern technology in order to provide testimony to the prosecuting State.[93]

"Article 7

"Confiscation[94]

"1. States Parties shall adopt such measures as may be necessary to enable confiscation of:

"(a) Proceeds derived from offences set forth in article 1 or property the value of which corresponds to that of such proceeds;

"(b) Property, equipment or other instrumentalities used in or intended for use in offences set forth in article 1.

"2. States Parties shall adopt such measures as may be necessary to enable the identification, freezing or seizure of any item referred to in paragraph 1 of this article for the purpose of eventual confiscation.

"3. The State Party that has custody over proceeds or instrumentalities of offences shall dispose of them in accordance with its laws. A Party may transfer all or part of such assets, or the proceeds of their sale to another Party, to the extent permitted by the laws of the transferring Party and upon such terms as it deems appropriate.

"4. The provisions of this article shall not be construed to prejudice the rights of third parties.

"Article 8

"Transfer of proceedings[95]

"States Parties shall give consideration to transferring to one another proceedings for criminal prosecution of offences established in accordance with this Convention in cases where such transfer is considered to be in the interests of a proper administration of justice.

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[93] Senior Experts Group recommendation 15.

[94] Senior Experts Group recommendation 30.

[95] 1988 Convention, article 8.

"Article 9

"Other forms of cooperation and assistance[96]

"States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat offences set forth in this Convention. Each State Party shall, in particular, adopt effective measures:

"(a) For the purposes of carrying out the cooperation and assistance provided for under this Convention, including the making and receiving of requests for cooperation and assistance, to designate a central authority that shall communicate directly with the central authority of other States Parties;[97]

"(b) To establish and maintain channels of communication between their competent authorities, agencies and services to facilitate the secure and rapid exchange of information concerning all aspects of the offences set forth in this Convention, including, if the States Parties concerned deem it appropriate, links with other criminal activities;[98]

"(c) To cooperate with one another in conducting inquiries, with respect to offences set forth in this Convention, concerning:

"(i) The identity, whereabouts and activities of persons suspected of involvement in the offences set forth in this Convention;

"(ii) The movement of proceeds or property derived from the commission of such offences;

"(d) In appropriate cases and if not contrary to domestic law, to establish joint teams, taking into account the need to protect the security of persons and operations, in order to carry out the provisions of this paragraph. Officials of any State Party participating in such teams shall act as authorized by the appropriate authorities of the Party in whose territory the operation is to take place; in all such cases, the States Parties involved shall ensure that the sovereignty of the Party on whose territory the operation is to take place is fully respected;

"(e) To provide, when appropriate, necessary items or quantities of substances for analytical or investigative purposes;

"(f) To establish arrangements for electronic surveillance, undercover operations and controlled deliveries[99] with a view to gathering evidence and taking legal action against persons involved in the offences set forth in this Convention;[100]

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[96] 1988 Convention, article 9.

[97] Senior Experts Group recommendation 5.

[98] Senior Experts Group recommendation 5.

[99] 1988 Convention, article 11.

[100] Senior Experts Group recommendation 26.

"(g) To provide protection for persons who have given or agreed to give information or evidence, or who participate or who have agreed to participate in an investigation or prosecution of an offence established in accordance with this Convention, and for the relatives and associates of such persons who require protection because of risks to the security of the person. States Parties should consider, as appropriate, reciprocal arrangements for the protection of witnesses and other endangered persons;[101]

"(h) To permit the competent authorities, when considering punishment, to consider as a mitigating factor the extent of cooperation provided by an accused in the investigation and prosecution of other persons or the ability and intention of the accused to provide such cooperation;

"(i) To facilitate effective coordination between their competent agencies and services and to promote the exchange of personnel and other experts, including the posting of liaison officers.

"Article 10

"Law enforcement training[102]

"1. Each State Party shall, to the extent necessary, initiate, develop or improve a specific training programme for its law enforcement personnel, including prosecutors and investigating magistrates, and other personnel charged with the suppression of the offences set forth in this Convention. Such programmes shall deal, in particular, with the following:

"(a) Methods used in the detection and suppression of the offences set forth in this Convention;

"(b) Techniques used by persons suspected of involvement in offences set forth in this Convention;

"(c) Detection and monitoring the movements of proceeds, property and instrumentalities derived from offences set forth in this Convention and methods used for the transfer, concealment or disguise of such proceeds, property and instrumentalities;

"(d) Collection of evidence;

"(e) Modern law enforcement techniques.

"2. States Parties shall assist one another to plan and implement research and training programmes designed to share expertise in the areas referred to in paragraph 1 of this article and, to this end, shall also, when appropriate, use regional and international conferences and seminars to promote cooperation and stimulate discussion on problems of mutual concern.[103]

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[101] Senior Experts Group recommendations 13, 14 and 15.

[102] 1988 Convention, article 9, paragraphs 2 and 3, and Senior Experts Group recommendation 11.

"3. States Parties shall promote other techniques for mutual education that will facilitate extradition and mutual legal assistance, including language training, secondments and exchanges between personnel in central authorities or agencies with relevant responsibilities.[104]

"Article 11

"Transparency of transactions[105]

"1. States Parties shall implement measures to detect and monitor the physical transportation of cash and bearer negotiable instruments at the border, subject to strict safeguards to ensure proper use of information and without impeding in any way the freedom of legitimate capital movements.

"2. In order to improve understanding and information on the detection of financial networks linked to transnational organized crime, States Parties shall take measures to gather financial information and, as much as possible, facilitate the exchange of such information, including exchanges between law enforcement agencies and regulatory bodies.

"Article 12

"Other forms of cooperation

"1. States Parties shall cooperate closely in the prevention, investigation and prosecution of the offences set forth in article 1. In particular, they shall, in accordance with their domestic laws or pursuant to bilateral or multilateral agreements or arrangements:

"(a) Take all appropriate measures to prevent preparation in their respective territories for the commission of those offences within or outside their territories;

"(b) Exchange information in accordance with their national law and coordinate administrative and other measures taken as appropriate to prevent the commission of offences set forth in article 1.

"2. States Parties shall consider the establishment of a common data bank concerning transnational organized crime, including information gathered regarding activities of criminal groups, their members and convicted persons.[106]

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[103] Senior Experts Group recommendation 11, which states: "Training courses, joint seminars and information exchange sessions should be encouraged on a bilateral, regional and worldwide basis." Senior Experts Group recommendations 25 and 26 are also relevant.

[104] Senior Experts Group recommendations 11, 12, and 21.

[105] Senior Experts Group recommendations 31 and 34.

"Article 13

"Application of cooperation provisions to other multilateral conventions

"States Parties may apply articles 3 to 12 of this Convention to other multilateral conventions to the extent agreed between States Parties.

"Article 14

"Dispute settlement

"1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months from the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

"2. Each State may at the time of ratification or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by paragraph 1 of this article with respect to any State Party which has made such a reservation.

"3. Any State which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to [the Secretary-General of the United Nations].

"Article 15

"Signature, ratification, accession

"1. This Convention shall be open for signature by all States until [date] at [United Nations Headquarters in New York].

"2. This Convention is subject to ratification. The instruments of ratification [shall be deposited with the Secretary-General of the United Nations].

"3. This Convention is subject to accession by any State. The instruments of accession shall be deposited with [the Secretary-General of the United Nations].

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[106] See the draft United Nations framework convention against organized crime, article 12, paragraph 3, contained in annex III above.

"Article 16

"Entry into force

"1. This Convention shall enter into force on the thirtieth day following the date of deposit of the [twenty-fifth] instrument of ratification or accession with [the Secretary-General of the United Nations].

"2. For each State ratifying or acceding to the Convention after the deposit of the [twenty-fifth] instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

"Article 17

"Denunciation

"1. Any State Party may denounce this Convention by written notification to [the Secretary-General of the United Nations].

"2. Denunciation shall take effect one year following the date on which notification is received by [the Secretary-General of the United Nations].

"Article 18

"Languages and depositary

"The original of this Convention, of which the [Arabic, Chinese, English, French, Russian and Spanish] texts are equally authentic, shall be deposited with [the Secretary-General of the United Nations], who shall send certified copies thereof to all States.

"IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at [place] on [date]."

"Annex VI

"VIEWS OF THE GOVERNMENT OF GERMANY ON AN ALTERNATIVE SOLUTION FOR A UNITED NATIONS CONVENTION ON COMBATING ORGANIZED TRANSNATIONAL CRIME

"1. Organized transnational crime threatens both the economic and political structures of States. It is a global menace endangering industrial and developing societies alike and requires a global response. The draft United Nations framework convention against organized crime, submitted to the General Assembly by the Government of Poland,[107] offers a good basis for discussion of this urgent problem by the Commission on Crime Prevention and Criminal Justice.

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[107] Annex III above.

"2. So far, national and international efforts to produce a workable definition of organized transnational crime have been unsuccessful. The definition contained in the draft United Nations framework convention, article 1, is, from the perspective of the Government of Germany, in part too narrow, in part too broad. Germany considers organized transnational crime not as a clearly definable criminal offence but as a complex phenomenon of criminality. Elements of a description could probably be agreed upon and set out in the preamble of such a convention. It is problematic even to give a paradigmatic list of specific crimes because, whereas everybody can agree on what constitutes murder, there is no international consensus on what constitutes, for example, corruption of public officials. This would lead to insuperable difficulties in penalizing such criminal behaviour and establishing jurisdiction.

"3. From the point of view of the Government of Germany, these difficulties could be circumvented by the following alternative solution:

"(a) The elaboration of a comprehensive United Nations convention on organized transnational crime should be based on the Model Treaty on Extradition[108] and the Model Treaty on Mutual Assistance in Criminal Matters;[109]

"(b) Such a convention should refrain from reference to specific crimes but the point of referral would be the framework given by the Model Treaty on Extradition, article 2, at least for extraditable offences. For the granting of legal assistance, probably no specific point of referral would be necessary;

"(c) A gap in the international armoury against organized transnational crime seems to stem from the fact that some legal systems do not penalize criminal behaviour that is not directly aimed at a concrete crime and therefore cannot qualify as participation in a crime, whereas the laws of Germany, France and Italy, for example, penalize participation on the basis of membership in a 'criminal association'. The convention ought to contain an obligation to penalize on these lines. This could follow the formulation of the Convention, drawn up on the basis of article K.3 of the Treaty on European Union, relating to extradition between the member States of the European Union of 27 September 1996, article 3, on conspiracy and association to commit offences:

> "Each party shall adopt such measures as may be necessary to establish as a criminal offence under its domestic law, when committed intentionally, the participation as an accomplice in or the organization or direction of others to commit an offence in the field of drug trafficking or other forms of organized crime.

"(d) Indispensable for an effective fight at the national and international levels against organized transnational crime are adequate provisions for skimming off the proceeds of crime. The convention should, therefore, oblige Member States to legislate to this effect;

"(e) In all international forums, there is general agreement that the scope for the imposition of penalties for money laundering in connection with drug trafficking is unsatisfactory. The convention should provide that, in principle, any other serious offence, in addition to drug-related offences, can be considered a predicate offence for money laundering;

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[108] General Assembly resolution 45/116, annex.

[109] General Assembly resolution 45/117, annex.

"(f) Following the model of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[110] the convention should contain provisions for the domestic implementation of foreign forfeiture measures;

"(g) A precondition for fighting transnational organized crime on a national or international level is an effective witness protection programme (see the relevant European Union recommendations, the forty recommendations of the Senior Experts Group on Transnational Organized Crime and the idea underlying article 13 of the draft United Nations framework convention;

"(h) In addition, the convention should make provision for police cooperation and training (see article 11 of the draft United Nations framework convention and article 9 of the 1988 Convention);

"(i) Finally, some new ideas put forward by the Council of Europe, the European Union and other international forums in the area of extradition and mutual assistance could be taken up in a United Nations convention."

1997/23. Preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

The Economic and Social Council

Recommends to the General Assembly the adoption of the following draft resolution:

"The General Assembly,

"Recalling its resolution 50/145 of 21 December 1995 on the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

"Considering that, pursuant to its resolutions 415 (V) of 1 December 1950 and 46/152 of 18 December 1991, the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders is to be convened in the year 2000,

"Recognizing the significant contributions of the United Nations congresses on the prevention of crime and the treatment of offenders to the promotion and strengthening of international cooperation in crime prevention and criminal justice,

"Bearing in mind the new role of the congresses as stipulated in paragraph 29 of the Statement of Principles and Programme of Action of the

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[110] Official Records of the United Nations Conference for the Adoption of a United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988, vol. I (United Nations publication, Sales No. E.94.XI.5).

United Nations Crime Prevention and Criminal Justice Programme, contained in the annex to General Assembly resolution 46/152,

"Recalling Economic and Social Council resolution 1993/32 of 27 July 1993 and the rules of procedure for United Nations congresses on the prevention of crime and the treatment of offenders, annexed to that resolution,

"Recalling resolution 5/1 of 30 May 1996 of the Commission on Crime Prevention and Criminal Justice, in which the Commission requested the Secretary-General to summarize the views received from Governments, relevant United Nations agencies and programmes, and intergovernmental and non-governmental organizations concerning the proposals for the theme, format, agenda items, workshop topics and possible venue of the Tenth Congress for consideration by the Commission at its sixth session,[111]

"1. Takes note of the report of the Commission on Crime Prevention and Criminal Justice on its sixth session[112] and of its discussion on the preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;[113]

"2. Decides that the Tenth Congress should be held in the year 2000 and that the following topics should be included in its provisional agenda, as recommended by the Commission on Crime Prevention and Criminal Justice at its sixth session:[114]

"(a) Promoting the rule of law and strengthening the criminal justice system;

"(b) International cooperation in combating transnational crime: new challenges in the twenty-first century;

"(c) Effective crime prevention: keeping pace with new developments;

"(d) Offenders and victims: accountability and fairness in the justice process;

"3. Also decides that four workshops on the following issues should be held within the framework of the Tenth Congress:

"(a) Combating corruption;

"(b) Crimes related to the computer network;

"(c) Community involvement in crime prevention;

"(d) Women in the criminal justice system;

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[111] Official Records of the Economic and Social Council, 1996, Supplement No. 10 (E/1996/30), chap. I, sect. D.

[112] Ibid., 1997, Supplement No. 10 (E/1997/30).

[113] Ibid., chap. II.

[114] Ibid., chap. II, para. 15.

"4. Welcomes the offer by the Government of South Africa to host the Tenth Congress and requests the Secretary-General to initiate consultations with the Government and to report to the Commission at its seventh session;

"5. Takes note with appreciation of the statement made on behalf of the Government of Austria that, if consensus could be reached and questions of timing could be resolved, that Government would be honoured to host the Tenth Congress at Vienna;

"6. Requests the Commission, at its seventh session, to finalize the programme for the Tenth Congress and to make its final recommendations, through the Economic and Social Council, to the General Assembly, taking into account that the Tenth Congress should deal with a limited number of precisely defined substantive topics reflecting the urgent needs of the world community and include practical technical workshops on well-focused issues related to the substantive agenda items;

"7. Requests the Secretary-General to prepare a discussion guide for the consideration of the Commission, in cooperation with the institutes for the prevention of crime and the treatment of offenders affiliated with the United Nations, and invites Member States to be actively involved in that process;

"8. Invites the regional commissions, the United Nations Crime Prevention and Criminal Justice Programme network, government-appointed national correspondents in the field of crime prevention and criminal justice, specialized agencies and other entities within the United Nations system, the intergovernmental organizations concerned and relevant non-governmental organizations in consultative status with the Economic and Social Council to become actively involved in the preparations for the Tenth Congress;

"9. Invites Member States to be represented at the Tenth Congress at a high political level, for example by heads of State, government ministers and attorneys-general;

"10. Decides to reserve the first two days of the plenary session at the Tenth Congress following its opening primarily for statements by such representatives at a high political level on the main themes of the Congress;

"11. Requests the Secretary-General to prepare an overview of the state of crime and criminal justice worldwide for presentation at the opening of the Tenth Congress;

"12. Also requests the Secretary-General to facilitate the organization of ancillary meetings of non-governmental and professional organizations participating in the Tenth Congress, in accordance with past practice, as well as meetings of professional and geographical interest groups and to take appropriate measures to encourage the participation of the academic and research community at the Tenth Congress;

"13. Further requests the Secretary-General to provide the Crime Prevention and Criminal Justice Division of the Secretariat, serving as the secretariat of the Tenth Congress, with the resources necessary to undertake, in an effective and timely manner, within the overall appropriations of the programme budget for the biennium 1998-1999, the preparatory activities for the Tenth Congress, as directed by the Commission, including the organization of regional preparatory meetings, and to ensure adequate resources for the biennium 2000-2001 for other requirements and the conduct of the Tenth Congress itself;

"14. Further requests the Secretary-General to provide resources, as required, in accordance with established United Nations budgetary practice, within the overall appropriations of the programme budget for the biennium 1998-1999, and adequate resources for the biennium 2000-2001, in order to ensure an appropriate programme of public information relating to the preparations for the Tenth Congress;

"15. Further requests the Secretary-General to make available the necessary resources for the participation of the least developed countries in the regional preparatory meetings for the Tenth Congress and in the Congress itself, in accordance with past practice;

"16. Invites the Commission, as the preparatory body for the United Nations congresses, to finalize, at its seventh session, all organizational arrangements for the Tenth Congress, including its dates and duration, documentation and venue;

"17. Requests the Secretary-General to ensure proper follow-up action to the present resolution and to report thereon to the General Assembly, through the Commission at its seventh session."

36th plenary meeting
21 July 1997

1997/24. Crime prevention and criminal justice measures to eliminate violence against women

The Economic and Social Council

Recommends to the General Assembly the adoption of the following draft resolution:

"The General Assembly,

"Bearing in mind its resolution 48/104 of 20 December 1993, in which it proclaimed the Declaration on the Elimination of Violence against Women, and recalling the definition of violence against women contained in articles 1 and 2 of the Declaration,

"Strongly condemning all forms of violence against women,

"Stressing that the effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women[115] contributes to the elimination of violence against women and that the implementation of the Declaration on the Elimination of Violence against Women strengthens and complements that process,

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[115] General Assembly resolution 34/180, annex.

"Recalling the Beijing Declaration[116] and Platform for Action[117] adopted by the Fourth World Conference on Women, held at Beijing from 4 to 15 September 1995, and, in particular, the determination of Governments to prevent and eliminate all forms of violence against women and girls,

"Recognizing the need to fully implement the Beijing Declaration and Platform for Action in the field of crime prevention and criminal justice and to develop strategies and practical measures in that field,

"Recalling Commission on Human Rights resolution 1997/44 of 11 April 1997 on the elimination of violence against women,[118]

"Welcoming the renewal of the mandate by the Commission on Human Rights of the Special Rapporteur on violence against women, its causes and consequences,

"Recalling the conclusions and recommendations of the Special Rapporteur, stressed by the Commission on Human Rights in its resolution 1997/44, that States have an affirmative duty to promote and protect the human rights of women and must exercise due diligence to prevent violence against women,

"Affirming Economic and Social Council resolution 1996/12 of 23 July 1996 on the elimination of violence against women,

"Expressing deep concern about the high social, health and economic costs to the individual and society that are associated with violence against women,

"Bearing in mind that criminal justice agencies should work closely with practitioners in other sectors, including health, social services and education, and with members of the community to deal with the problem of violence against women,

"Acknowledging the valuable contribution made by non-governmental organizations, organizations seeking women's equality and community agencies in working towards the elimination of violence against women,

"1. Urges Member States to review and evaluate their legislation and legal principles, procedures, policies and practices relating to criminal matters, in a manner consistent with their legal systems, to determine if they have a negative impact on women and, if they have such an impact, to modify them in order to ensure that women are treated fairly by the criminal justice system;

"2. Also urges Member States to undertake strategies, develop policies and disseminate materials to promote women's safety in the home and in society at large, including specific crime prevention strategies that reflect the realities of women's lives and address their distinct needs in such areas as social development, environmental design and educational prevention programmes;

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[116] Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex I.

[117] Ibid., annex II.

[118] Official Records of the Economic and Social Council, 1997, Supplement No. 3 (E/1997/23), chap. II.

"3. Further urges Member States to promote an active and visible policy of integrating a gender perspective into the development and implementation of all policies and programmes in the field of crime prevention and criminal justice which may assist in the elimination of violence against women so that, before decisions are taken, an analysis may be made to ensure that they entail no unfair gender bias;

"4. Calls upon the Commission on Crime Prevention and Criminal Justice, through the Crime Prevention and Criminal Justice Division of the Secretariat and the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to cooperate with all relevant organs, bodies and other entities of the United Nations system and to coordinate their activities on issues relating to violence against women and to the removal of gender bias in the administration of criminal justice;

"5. Calls upon the institutes comprising the Programme network to continue training in the field of violence against women and to consolidate and disseminate information on successful intervention models and preventive programmes at the national level;

"6. Requests the Commission on Crime Prevention and Criminal Justice to ensure that Strategies for Confronting Domestic Violence: a Resource Manual,[119] which has been published in English, is published in the other official languages of the United Nations, subject to the availability of regular budget or extrabudgetary funds, and acknowledges the contribution of Canada in that respect;

"7. Calls upon Governments, international organizations and non-governmental organizations, as appropriate, to translate Strategies for Confronting Domestic Violence: a Resource Manual into local languages and to ensure its wide dissemination for use in training and education programmes;

"8. Takes note of the report of the Secretary-General on the elimination of violence against women,[120] including the revision of the draft practical measures, strategies and activities in the field of crime prevention and criminal justice for the elimination of violence against women, based on comments received from Member States, United Nations entities, including specialized agencies, and associate entities, as well as intergovernmental and non-governmental organizations;

"9. Adopts the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, annexed to the present resolution, as a model of guidelines to be used by Governments in their efforts to address, within the criminal justice system, the various manifestations of violence against women;

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[119] ST/CSDHA/20.

[120] E/CN.15/1997/11 and Add.1.

"10. _Urges_ Member States to be guided by the Model Strategies and Practical Measures in developing and undertaking strategies and practical measures to eliminate violence against women and in promoting women's equality within the criminal justice system;

"11. _Requests_ the Commission on Crime Prevention and Criminal Justice, through the Crime Prevention and Criminal Justice Division of the Secretariat, to assist Member States at their request in utilizing the Model Strategies and Practical Measures;

"12. _Calls upon_ the Commission on Crime Prevention and Criminal Justice to continue to consider the elimination of violence against women within the training and technical assistance efforts of the United Nations Crime Prevention and Criminal Justice Programme;

"13. _Requests_ the Secretary-General to ensure the wide dissemination of the Model Strategies and Practical Measures, with a view to promoting their use;

"14. _Also requests_ the Secretary-General to transmit the Model Strategies and Practical Measures to the relevant United Nations organizations and bodies, such as the Commission on the Status of Women, the Committee on the Elimination of Discrimination against Women, the Commission on Human Rights, including the Subcommission on Prevention of Discrimination and Protection of Minorities, and the Special Rapporteur on violence against women, its causes and its consequences, and invites those organizations and bodies to develop strategies and practical measures on the elimination of violence against women on their areas of expertise;

"15. _Invites_ the Economic and Social Council to consider including the question of violence against women at the high-level segments of one of its forthcoming sessions, in the context of its discussion on the human rights of women;

"16. _Requests_ the Secretary-General to submit to the General Assembly at its fifty-fourth session, through the Economic and Social Council, a report on the implementation of the present resolution."

36th plenary meeting
21 July 1997

"_Annex_

"MODEL STRATEGIES AND PRACTICAL MEASURES ON THE ELIMINATION OF VIOLENCE AGAINST WOMEN IN THE FIELD OF CRIME PREVENTION AND CRIMINAL JUSTICE

"1. The multifaceted nature of violence against women suggests that different strategies are required for different manifestations of violence and the various settings in which it occurs. The practical measures, strategies and activities described below can be introduced in the field of crime prevention and criminal justice to deal with the problem of violence against women. Except where otherwise specified, the term 'women' encompasses 'girl children'.

"2. Recalling the definition of violence against women contained in the Declaration on the Elimination of Violence against Women[121] and reiterated in the Platform for Action adopted by the Fourth World Conference on Women, held at Beijing from 4 to 15 September 1995,[122] the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice build on the measures adopted by Governments in the Platform for Action, bearing in mind that some groups of women are especially vulnerable to violence.

"3. The Model Strategies and Practical Measures specifically acknowledge the need for an active policy of bringing into the mainstream a gender perspective in all policies and programmes related to violence against women and of achieving gender equality and equal and fair access to justice, as well as establishing the goal of gender balance in areas of decision-making related to the elimination of violence against women. The Model Strategies and Practical Measures should be applied as guidelines in a manner consistent with relevant international instruments, including the Convention on the Elimination of All Forms of Discrimination against Women,[123] the Convention on the Rights of the Child[124] and the International Covenant on Civil and Political Rights,[125] with a view to furthering their fair and effective implementation.

"4. The Model Strategies and Practical Measures should be implemented by Member States and other entities, without prejudice to the principle of gender equality before the law, in order to facilitate the efforts by Governments to deal with, within the criminal justice system, the various manifestations of violence against women.

"5. The Model Strategies and Practical Measures are aimed at providing de jure and de facto equality between women and men. The Model Strategies and Practical Measures do not give preferential treatment to women but are aimed at ensuring that any inequalities or forms of discrimination that women face in achieving access to justice, particularly in respect of acts of violence, are redressed.

"I. CRIMINAL LAW

"6. Member States are urged:

"(a) To periodically review, evaluate and revise their laws, codes and procedures, especially their criminal laws, to ensure their value and effectiveness in eliminating violence against women and remove provisions that allow for or condone violence against women;

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[121] General Assembly resolution 48/104.

[122] Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (United Nations publication, Sales No. E.96.IV.3), chap. I, resolution 1, annex II.

[123] General Assembly resolution 34/180, annex.

[124] General Assembly resolution 44/25, annex.

[125] General Assembly resolution 2200 A (XXI), annex.

"(b) To review, evaluate and revise their criminal and civil laws, within the framework of their national legal systems, in order to ensure that all acts of violence against women are prohibited and, if not, to adopt measures to do so;

"(c) To review, evaluate and revise their criminal laws in order to ensure that:

"(i) Persons who are brought before the courts on judicial matters in respect of violent crimes or who are convicted of such crimes can be restricted in their possession and use of firearms and other regulated weapons, within the framework of their national legal systems;

"(ii) Individuals can be prohibited or restrained, within the framework of their national legal systems, from harassing, intimidating or threatening women.

"II. CRIMINAL PROCEDURE

"7. Member States are urged to review, evaluate and revise their criminal procedure, as appropriate, in order to ensure that:

"(a) The police have, with judicial authorization where required by national law, adequate powers to enter premises and conduct arrests in cases of violence against women, including confiscation of weapons;

"(b) The primary responsibility for initiating prosecutions lies with prosecution authorities and does not rest with women subjected to violence;

"(c) Women subjected to violence have an opportunity to testify in court proceedings equal to that of other witnesses and that measures are available to facilitate such testimony and to protect their privacy;

"(d) Rules and principles of defence do not discriminate against women, and such defences as honour or provocation do not allow perpetrators of violence against women to escape all criminal responsibility;

"(e) Perpetrators who commit acts of violence against women while voluntarily under the influence of alcohol or drugs are not absolved of all criminal or other responsibility;

"(f) Evidence of prior acts of violence, abuse, stalking and exploitation by the perpetrator is considered during court proceedings, in accordance with the principles of national criminal law;

"(g) The courts, subject to the national constitution of their State, have the authority to issue protection and restraining orders in cases of violence against women, including removal of the perpetrator from the domicile, prohibiting further contact with the victim and other affected parties, inside and outside the domicile, and to impose penalties for breaches of these orders;

"(h) Measures can be taken when necessary to ensure the safety of victims and their families and to protect them from intimidation and retaliation;

"(i) Safety risks are taken into account in decisions concerning non-custodial or quasi-custodial sentences, the granting of bail, conditional release, parole or probation.

"III. POLICE

"8. Member States are urged, within the framework of their national legal systems:

"(a) To ensure that the applicable provisions of laws, codes and procedures related to violence against women are consistently enforced in such a way that all criminal acts of violence against women are recognized and responded to accordingly by the criminal justice system;

"(b) To develop investigative techniques that do not degrade women subjected to violence and minimize intrusion, while maintaining standards for the collection of the best evidence;

"(c) To ensure that police procedures, including decisions on the arrest, detention and terms of any form of release of the perpetrator, take into account the need for the safety of the victim and others related through family, socially or otherwise and that these procedures also prevent further acts of violence;

"(d) To empower the police to respond promptly to incidents of violence against women;

"(e) To ensure that the exercise of police powers is undertaken according to the rule of law and codes of conduct and that the police may be held accountable for any infringement thereof;

"(f) To encourage women to join police forces, including at the operational level.

"IV. SENTENCING AND CORRECTIONS

"9. Member States are urged, as appropriate:

"(a) To review, evaluate and revise sentencing policies and procedures in order to ensure that they meet the goals of:

"(i) Holding offenders accountable for their acts related to violence against women;

"(ii) Stopping violent behaviour;

"(iii) Taking into account the impact on victims and their family members of sentences imposed on perpetrators who are members of their families;

"(iv) Promoting sanctions that are comparable to those for other violent crimes;

"(b) To ensure that a woman subjected to violence is notified of any release of the offender from detention or imprisonment where the safety of the victim in such disclosure outweighs invasion of the offender's privacy;

"(c) To take into account in the sentencing process the severity of the physical and psychological harm and the impact of victimization, including through victim impact statements where such practices are permitted by law;

"(d) To make available to the courts through legislation a full range of sentencing dispositions to protect the victim, other affected persons and society from further violence;

"(e) To ensure that the sentencing judge is encouraged to recommend treatment of the offender at the time of sentencing;

"(f) To ensure that there are appropriate measures in place to eliminate violence against women who are detained for any reason;

"(g) To develop and evaluate offender treatment programmes for different types of offenders and offender profiles;

"(h) To protect the safety of victims and witnesses before, during and after criminal proceedings.

"V. VICTIM SUPPORT AND ASSISTANCE

"10. Member States are urged, as appropriate:

"(a) To make available to women who have been subjected to violence information on rights and remedies and on how to obtain them, in addition to information about participating in criminal proceedings and the scheduling, progress and ultimate disposition of the proceedings;

"(b) To encourage and assist women subjected to violence in lodging and following through on formal complaints;

"(c) To ensure that women subjected to violence receive, through formal and informal procedures, prompt and fair redress for the harm that they have suffered, including the right to seek restitution or compensation from the offenders or the State;

"(d) To provide for court mechanisms and procedures that are accessible and sensitive to the needs of women subjected to violence and that ensure the fair processing of cases;

"(e) To establish a registration system for judicial protection and restraining orders, where such orders are permitted by national law, so that police or criminal justice officials can quickly determine whether such an order is in force.

"VI. HEALTH AND SOCIAL SERVICES

"11. Member States, in cooperation with the private sector, relevant professional associations, foundations, non-governmental and community organizations, including organizations seeking women's equality, and research institutes are urged, as appropriate:

"(a) To establish, fund and coordinate a sustainable network of accessible facilities and services for emergency and temporary residential accommodation for women and their children who are at risk of becoming or who have been victims of violence;

"(b) To establish, fund and coordinate services such as toll-free information lines, professional multi-disciplinary counselling and crisis intervention services and support groups in order to benefit women who are victims of violence and their children;

"(c) To design and sponsor programmes to caution against and prevent alcohol and substance abuse, given the frequent presence of alcohol and substance abuse in incidents of violence against women;

"(d) To establish better linkages between medical services, both private and emergency, and criminal justice agencies for purposes of reporting, recording and responding to acts of violence against women;

"(e) To develop model procedures to help participants in the criminal justice system to deal with women subjected to violence;

"(f) To establish, where possible, specialized units with persons from relevant disciplines especially trained to deal with the complexities and victim sensitivities involved in cases of violence against women.

"VII. TRAINING

"12. Member States, in cooperation with non-governmental organizations, including organizations seeking women's equality, and in collaboration with relevant professional associations, are urged, as appropriate:

"(a) To provide for or encourage mandatory cross-cultural and gender-sensitivity training modules for police, criminal justice officials, practitioners and professionals involved in the criminal justice system that deal with the unacceptability of violence against women, its impact and consequences and that promote an adequate response to the issue of violence against women;

"(b) To ensure adequate training, sensitivity and education of police, criminal justice officials, practitioners and professionals involved in the criminal justice system regarding all relevant human rights instruments;

"(c) To encourage professional associations to develop enforceable standards of practice and behaviour for practitioners involved in the criminal justice system, which promote justice and equality for women.

"VIII. RESEARCH AND EVALUATION

"13. Member States and the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, relevant entities of the United Nations system, other relevant international organizations, research institutes, non-governmental organizations, including organizations seeking women's equality, are urged, as appropriate:

"(a) To develop crime surveys on the nature and extent of violence against women;

"(b) To gather data and information on a gender-disaggregated basis for analysis and use, together with existing data, in needs assessment, decision-making and policy-making in the field of crime prevention and criminal justice, in particular concerning:

"(i) The different forms of violence against women, its causes and consequences;

"(ii) The extent to which economic deprivation and exploitation are linked to violence against women;

"(iii) The relationship between the victim and the offender;

"(iv) The rehabilitative or anti-recidivistic effect of various types of intervention on the individual offender and on the reduction of violence against women;

"(v) The use of firearms, drugs and alcohol, particularly in cases of violence against women in situations of domestic violence;

"(vi) The relationship between victimization or exposure to violence and subsequent violent activity;

"(c) To monitor and issue annual reports on the incidence of violence against women, arrest and clearance rates, prosecution and case disposition of the offenders;

"(d) To evaluate the efficiency and effectiveness of the criminal justice system in fulfilling the needs of women subjected to violence.

"IX. CRIME PREVENTION MEASURES

"14. Member States and the private sector, relevant professional associations, foundations, non-governmental and community organizations, including organizations seeking women's equality, and research institutes are urged, as appropriate:

"(a) To develop and implement relevant and effective public awareness, public education and school programmes that prevent violence against women by promoting equality, cooperation, mutual respect and shared responsibilities between women and men;

"(b) To develop multidisciplinary and gender-sensitive approaches within public and private entities that participate in the elimination of violence against women, especially through partnerships between law enforcement officials and the services that are specialized in the protection of women victims of violence;

"(c) To set up outreach programmes for offenders or persons identified as potential offenders in order to promote the peaceful resolution of conflicts, the management and control of anger and attitude modification about gender roles and relations;

"(d) To set up outreach programmes and offer information to women, including victims of violence, about gender roles, the human rights of women and the social, health, legal and economic aspects of violence against women, in order to empower women to protect themselves against all forms of violence;

"(e) To develop and disseminate information on the different forms of violence against women and the availability of programmes to deal with that problem, including programmes concerning the peaceful resolution of conflicts, in a manner appropriate to the audience concerned, including in educational institutions at all levels;

"(f) To support initiatives of organizations seeking women's equality and non-governmental organizations to raise public awareness of the issue of violence against women and to contribute to its elimination.

"15. Member States and the media, media associations, media self-regulatory bodies, schools and other relevant partners, while respecting the freedom of the media, are urged, as appropriate, to develop public awareness campaigns and appropriate measures and mechanisms, such as codes of ethics and self-regulatory measures on media violence, aimed at enhancing respect for the rights of women and discouraging both discrimination against women and stereotyping of women.

"X. INTERNATIONAL COOPERATION

"16. Member States and United Nations bodies and institutes are urged, as appropriate:

"(a) To exchange information concerning successful intervention models and preventive programmes in eliminating violence against women and to compile a directory of those models;

"(b) To cooperate and collaborate at the regional and international levels with relevant entities to prevent violence against women and to promote measures to effectively bring perpetrators to justice, through mechanisms of international cooperation and assistance in accordance with national law;

"(c) To contribute to and support the United Nations Development Fund for Women in its activities to eliminate violence against women.

"17. Member States are urged:

"(a) To limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women to those that are formulated as precisely and as narrowly as possible and that are not incompatible with the object and purpose of the Convention;

"(b) To condemn all violations of the human rights of women in situations of armed conflict, to recognize them as being violations of international human rights and humanitarian law and to call for a particularly effective response to violations of that kind, including in particular murder, systematic rape, sexual slavery and forced pregnancy;

"(c) To work actively towards ratification of or accession to the Convention on the Elimination of All Forms of Discrimination against Women, for the States that are still not parties to it, so that universal ratification can be achieved by the year 2000;

"(d) To give full consideration to integrating a gender perspective in the drafting of the statute of the international criminal court, particularly in respect of women who are victims of violence;

"(e) To cooperate with and assist the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences in the performance of his or her mandated tasks and duties, to supply all information requested and to respond to the Special Rapporteur's visits and communications.

"XI. FOLLOW-UP ACTIVITIES

"18. Member States, United Nations bodies, subject to the availability of extrabudgetary funds, the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, other relevant international organizations, research institutes, and non-governmental organizations, including organizations seeking women's equality, are urged, as appropriate:

"(a) To encourage the translation of the Model Strategies and Practical Measures into local languages and to ensure its wide dissemination for use in training and education programmes;

"(b) To utilize the Model Strategies and Practical Measures as a basis, a policy reference and a practical guide for activities aimed at eliminating violence against women;

"(c) To assist Governments, at their request, in reviewing, evaluating and revising their criminal justice systems, including their criminal legislation, on the basis of the Model Strategies and Practical Measures;

"(d) To support the technical cooperation activities of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network in eliminating violence against women;

"(e) To develop coordinated national, regional and subregional plans and programmes to put the Model Strategies and Practical Measures into effect;

"(f) To design standard training programmes and manuals for the police and criminal justice officials, based on the Model Strategies and Practical Measures;

"(g) To periodically review and monitor, at the national and international levels, progress made in terms of plans, programmes and initiatives to eliminate violence against women in the context of the Model Strategies and Practical Measures."

1997/25. International cooperation against corruption and bribery in international commercial transactions

The Economic and Social Council

Recommends to the General Assembly the adoption of the following draft resolution:

"The General Assembly,

"Disturbed by the bribery of public officials by individuals and enterprises of other States, in relation to international commercial transactions,

"Convinced that such practices undermine the integrity of state bureaucracies and weaken social and economic policies by promoting corruption in the public sector, thus diminishing its credibility,

"Convinced that the fight against corruption must be supported by sincere international cooperation efforts,

"Recalling its resolution 3514 (XXX) of 15 December 1975, in which it, inter alia, condemned all corrupt practices, including bribery, by transnational corporations and other corporations, their intermediaries and others involved, in violation of the laws and regulations in host countries, reaffirmed the right of any State to adopt legislation and to investigate and take appropriate legal action, in accordance with its national laws and regulations, against such corrupt practices and called upon all Governments to cooperate to prevent corrupt practices, including bribery,

"Recalling Economic and Social Council resolution 1995/14 of 24 July 1995 on action against corruption,

"Recalling its resolution 50/225 of 19 April 1996 on public administration and development,

"Recalling in particular its resolution 51/59 of 12 December 1996, in which it adopted the International Code of Conduct for Public Officials, annexed thereto, and recommended it to Member States as a tool to guide their efforts against corruption,

"Recalling that, in its resolution 51/191 of 16 December 1996, it adopted the United Nations Declaration against Corruption and Bribery in International Commercial Transactions,

"Recalling also that, in its resolution 51/191, it requested the Economic and Social Council and its subsidiary bodies, in particular the Commission on Crime Prevention and Criminal Justice, to examine ways to further the implementation of that resolution and the United Nations Declaration against Corruption and Bribery in International Commercial Transactions, to keep the issue of corruption and bribery in international commercial transactions under regular review and to promote the effective implementation of that resolution, "Taking note of the report of the Secretary-General on action against corruption and bribery[126] and of the report of the Expert Group Meeting on Corruption, held at Buenos Aires from 17 to 21 March 1997,[127]

"Welcoming developments that have advanced international understanding and cooperation regarding bribery in transnational business, such as the Inter-American Convention against Corruption[128], adopted by the Organization of American States in March 1996, which includes an article on the prohibition of foreign commercial bribery; the ongoing work of the Council of Europe against corruption, including the elaboration of several international conventions containing provisions on bribery in international commercial transactions; the ongoing work of the World Trade Organization to improve transparency, openness and due process in government procurement procedures; the ongoing work of the States members of the Organisation for Economic Cooperation and Development including, as elements, the agreement to prohibit the tax deductibility of bribes paid to foreign public officials in international commercial transactions, and the commitment to criminalize the bribing of foreign public officials in international business transactions,

"1. Agrees that all States should take all possible measures to further the implementation of the United Nations Declaration against Corruption and Bribery in International Commercial Transactions[129] and of the International Code of Conduct for Public Officials;[130]

"2. Urges Member States that have not yet done so to implement relevant international declarations and to ratify, where appropriate, international instruments against corruption;

"3. Urges Member States to criminalize, in an effective and coordinated manner, the bribery of public office holders of other States in international commercial transactions and encourages them to engage, as appropriate, in programmatic activities to deter, prevent and combat bribery and corruption, for example, by diminishing institutional barriers through the development of integrated management systems and the promotion of legal reform in accordance with their fundamental legal principles in both the public and private sectors, by encouraging a greater role for citizens in the development of transparent and accountable government, by supporting the active participation of non-governmental organizations in the identification, planning and implementation of initiatives that raise ethical standards and practices in both government and business transactions and by providing training and technical assistance to other States, as appropriate, to develop and implement standards of good governance, in particular, accountability and transparency, legitimate commercial and financial conduct and other anti-corruption measures;

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[126] E/CN.15/1997.3.

[127] E/CN.15/1997/3/Add.1, annex.

[128] See E/1996/99.

[129] General Assembly resolution 51/191, annex.

[130] General Assembly resolution 51/59, annex.

"4. Requests the Secretary-General to invite each Member State to provide a report on steps taken to implement the provisions of the Declaration, including those dealing with criminalization, effective sanctions, tax deductibility, accounting standards and practices, development of business codes, illicit enrichment, mutual legal assistance and bank secrecy provisions, as well as on national anti-corruption strategies and policies, for compilation by the Secretary-General, and consideration by the Commission on Crime Prevention and Criminal Justice, with a view to examining further steps to be taken for the full implementation of the Declaration;

"5. Invites competent international, regional and non-governmental organizations to provide relevant information to the Commission on Crime Prevention and Criminal Justice on international efforts to combat corruption and bribery;

"6. Requests the Secretary-General, subject to the availability of extrabudgetary funds, to intensify technical assistance to combat corruption, providing advisory services to Member States that request such services, and urges Member States to provide the Secretariat with the necessary extrabudgetary funds for such technical assistance;

"7. Requests the Commission on Crime Prevention and Criminal Justice to give attention to the question of the bribery of public office holders of other States in international commercial transactions and to include in its agenda for a future session a review of action taken by States to implement the Declaration.

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1997/26. International cooperation in criminal matters

The Economic and Social Council

Recommends to the General Assembly the adoption of the following draft resolution:

"The General Assembly,

"Acknowledging the benefits of the enactment of national laws providing the most flexible basis for extradition, and bearing in mind that some developing countries and countries with economies in transition may lack the resources for developing and implementing treaty relations in extradition, as well as appropriate national legislation,

"Bearing in mind that United Nations model treaties on international cooperation in criminal matters provide important tools for the development of international cooperation,

"Convinced that existing arrangements governing international cooperation in law enforcement must be continuously reviewed and revised to ensure that the specific contemporary problems of fighting crime are being effectively addressed at all times, "Convinced that reviewing and revising the United Nations model treaties will contribute to increased efficiency in combating criminality,

"Commending the work of the Intergovernmental Expert Group Meeting on Extradition, held at Siracusa, Italy, from 10 to 13 December 1996, to implement in part Economic and Social Council resolution 1995/27 of 24 July 1995 by reviewing the Model Treaty on Extradition[131] and by proposing complementary provisions for it, elements for model legislation in the field of extradition, and training and technical assistance for national officials engaged in the field of extradition,

"Commending also the International Association of Penal Law and the International Institute of Higher Studies in Criminal Sciences for providing support for the Meeting and the Governments of Finland, Germany and the United States of America and the United Nations Interregional Crime and Justice Research Institute for their cooperation in the organization of the Meeting,

"Recognizing that the work of the Intergovernmental Expert Group could not be fully completed given the limited amount of time available to it and was therefore ultimately limited to the field of extradition,[132]

"Determined to implement section I of Economic and Social Council resolution 1995/27, in which the Council requested the Secretary-General to convene a meeting of an intergovernmental expert group that should explore ways of increasing the efficiency of extradition and related mechanisms of international cooperation,

"I

"MUTUAL ASSISTANCE

"1. Requests the Secretary-General to convene, using extrabudgetary funds already offered for this purpose, a meeting of an intergovernmental expert group to examine practical recommendations for the further development and promotion of mutual assistance in criminal matters;

"2. Recommends that the expert group should, in accordance with section I of Economic and Social Council resolution 1995/27, explore ways and means of increasing the efficiency of this type of international cooperation, having due regard to the rule of law and the protection of human rights, including by drafting alternative or complementary articles for the Model Treaty on Mutual Assistance in Criminal Matters,[133] developing model legislation and providing technical assistance in the development of agreements;

"3. Recommends that the expert group submit a report on the implementation of the present resolution to the Commission on Crime Prevention and Criminal Justice no later than at its eighth session;

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[131] General Assembly resolution 45/116, annex.

[132] See E/CN.15/1997/6 and Corr.1, annex., chap. IV.

[133] General Assembly resolution 45/117, annex.

"II

"EXTRADITION

"1. Welcomes the report of the Intergovernmental Expert Group Meeting on Extradition, held at Siracusa, Italy, from 10 to 13 December 1996;[134]

"2. Decides that the Model Treaty on Extradition should be complemented by the provisions set forth in the annex to the present resolution;

"3. Encourages Member States, within the framework of national legal systems, to enact effective extradition legislation, and calls upon the international community to give all possible assistance in achieving that goal;

"4. Requests the Secretary-General to elaborate, in consultation with Member States and subject to extrabudgetary resources, for submission to the Commission on Crime Prevention and Criminal Justice, model legislation to assist Member States in giving effect to the Model Treaty on Extradition, in order to enhance effective cooperation between States, taking into account the contents of model legislation[135] recommended by the Intergovernmental Expert Group Meeting on Extradition;

"5. Invites States to consider taking steps, within the framework of national legal systems, to conclude extradition and surrender or transfer agreements;

"6. Urges States to revise bilateral and multilateral law enforcement cooperation arrangements as an integral part of the effort to effectively combat constantly changing methods of individuals and groups engaging in organized transnational crime;

"7. Urges Member States to use the Model Treaty on Extradition as a basis in developing treaty relations at the bilateral, regional or multilateral level, as appropriate;

"8. Urges Member States to continue to acknowledge that the protection of human rights should not be considered inconsistent with effective international cooperation in criminal matters, while recognizing the need for fully effective mechanisms for extraditing fugitives;

"9. Invites Member States to consider, where applicable and within the framework of national legal systems, the following measures in the context of the use and application of extradition treaties or other arrangements:

"(a) Establishing and designating a national central authority to process requests for extradition;

"(b) Undertaking regular reviews of their treaty or other extradition arrangements and implementing legislation, as well as taking other necessary measures for the purpose of rendering such arrangements and legislation more efficient and effective in combating new and complex forms of crime;

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[134] E/CN.15/1997/6 and Corr.1, annex.

[135] E/CN.15/1997/6 and Corr.1, annex, chap. I, annex II.

"(c) Simplifying and streamlining procedures necessary to execute and initiate requests for extradition, including the provision to requested States of information sufficient to enable extradition;

"(d) Reducing the technical requirements, including documentation, necessary to satisfy the tests for extradition where a person is accused of an offence;

"(e) Providing for extraditable offences to extend to all acts and omissions that would be a criminal offence in both States carrying a prescribed minimum penalty and not to be individually listed in treaties or other agreements, particularly with respect to organized transnational crime;

"(f) Ensuring effective application of the principle of *aut dedere aut judicare*;

"(g) Paying adequate attention, when considering and implementing the measures mentioned in paragraphs 9 (b) to (f) above, to furthering the protection of human rights and the maintenance of the rule of law;

"10. *Encourages* Member States to promote, on a bilateral, regional or worldwide basis, measures to improve the skills of officials in order to facilitate extradition, such as specialized training and, whenever possible, secondment and exchanges of personnel, as well as the appointment in other States of representatives of prosecuting agencies or of judicial authorities, in accordance with national legislation or bilateral agreements;

"11. *Reiterates* its invitation to Member States to provide to the Secretary-General copies of relevant laws and information on practices related to international cooperation in criminal matters and in particular to extradition, as well as updated information on central authorities designated to deal with requests;

"12. *Requests* the Secretary-General:

"(a) Subject to extrabudgetary resources, to regularly update and disseminate the information mentioned in paragraph 11 above;

"(b) To continue to provide advisory and technical cooperation services to Member States requesting assistance in the development, negotiation and implementation of bilateral, subregional, regional or international treaties on extradition, as well as the drafting and application of appropriate national legislation, as necessary;

"(c) To promote regular communication and exchanges of information between central authorities of Member States dealing with requests for extradition and to promote meetings of such authorities on a regional basis for Member States wishing to attend;

"(d) To provide, taking into account the recommendations for a training programme[136] contained in the report of the Intergovernmental Expert Group Meeting, in cooperation with relevant intergovernmental organizations, with the participation of interested Member States at the intergovernmental organizational meeting referred to in the recommendations and subject to extrabudgetary resources, training for personnel in appropriate governmental agencies and central authorities of requesting Member States on extradition law and practice designed to develop necessary skills and improve communications and cooperation aimed at enhancing the effectiveness of extradition and related practices;

"13. Also requests the Secretary-General, subject to extrabudgetary resources and in cooperation with other relevant intergovernmental organizations, the United Nations Interregional Crime and Justice Research Institute and the other institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to develop appropriate training materials for use in providing to requesting Member States the technical assistance referred to above;

"14. Commends the International Institute of Higher Studies in Criminal Sciences for its offer to organize and host a coordination meeting for the purpose of developing the training material referred to in paragraph 13 above, as well as training courses on extradition law and practice;

"15. Requests the Secretary-General to ensure the full implementation of the provisions of the present resolution and urges Member States and funding agencies to assist the Secretary-General in implementing the present resolution through voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund;

"16. Also requests the Secretary-General to submit the report of the Intergovernmental Expert Group Meeting on Extradition, together with the present resolution, to the Preparatory Committee on the Establishment of an International Criminal Court for consideration.

"ANNEX

"Complementary provisions for the Model Treaty on Extradition*

"Article 3

"1. Move the text of footnote 96 to the end of subparagraph (a) and add a new footnote reading: 'Countries may wish to exclude certain conduct, e.g., acts of violence, such as serious offences involving an act of violence against the life, physical integrity or liberty of a person, from the concept of political offence'.

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[136] E/CN.15/1997/6 and Corr.1, annex, chap. I, annex III.

* The Model Treaty on Extradition is contained in the annex to General Assembly resolution 45/116. See Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49 A (A/45/49), sect. V (resolutions adopted on the reports of the Third Committee).

"2. Add the following sentence to footnote 97: 'Countries may also wish to restrict consideration of the issue of lapse of time to the law of the requesting State only or to provide that acts of interruption in the requesting State should be recognized in the requested State'.

"Article 4

"3. Add the following footnote to subparagraph (a): 'Some countries may also wish to consider, within the framework of national legal systems, other means to ensure that those responsible for crimes do not escape punishment on the basis of nationality, such as, inter alia, provisions that would permit surrender for serious offences, or permit temporary transfer of the person for trial and return of the person to the requested State for service of sentence'.

"4. Add to subparagraph (d) the same aut dedere aut judicare (either extradite or prosecute) provisions as are found in subparagraphs (a) and (f).

"Article 5

"5. Add the following footnote to the title article 5: 'Countries may wish to consider including the most advanced techniques for the communication of requests and means which could establish the authenticity of the documents as emanating from the requesting State'.

"6. Replace existing footnote 101 with the following text: 'Countries requiring evidence in support of a request for extradition may wish to define the evidentiary requirements necessary to satisfy the test for extradition, and in doing so should take into account the need to facilitate effective international cooperation'.

"Article 6

"7. Add the following footnote to the title of article 6: 'Countries may wish to provide for the waiver of speciality in the case of simplified extradition'.

"Article 14

"8. Add the following footnote to subparagraph 1 (a): 'Countries may also wish to provide that the rule of speciality is not applicable to extraditable offences provable on the same facts, and carrying the same or a lesser penalty as the original offence for which extradition was requested'.

"9. Delete footnote 103.

"10. Add the following footnote to paragraph 2: 'Countries may wish to waive the requirement for the provision of some or all of these documents'.

"Article 15

"11. Add the following sentence to footnote 105: 'However, countries may wish to provide that transit should not be denied on the basis of nationality'.

"Article 17

"12. Add the following sentence to footnote 106: 'There may also be cases for consultations between the requesting and requested States for the payment by the requesting State of extraordinary costs, particularly in complex cases where there is a significant disparity in the resources available to the two States'."

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1997/27. Strengthening the United Nations Crime Prevention and Criminal Justice Programme with regard to the development of crime statistics and the operations of criminal justice systems

The Economic and Social Council,

Recalling its resolution 1996/11 of 23 July 1996, entitled "International cooperation and assistance in the management of the criminal justice system: computerization of criminal justice operations and the development, analysis and policy use of crime and criminal justice information", in which it urged Member States to assist the Secretary-General in strengthening the technical cooperation capacity of the United Nations Crime Prevention and Criminal Justice Programme network,

Recalling the recommendations of the Expert Group Meeting on Criminal Justice Management and Information Projects: Improving National and International Data Collection and Exchange, held at Buenos Aires from 10 to 13 March 1997,[137]

Considering the importance of the exchange of information and technical assistance with regard to the computerization of operational information in criminal justice,

Mindful that the development of adequate national capacities is vital to the reliability of global statistics,

Considering the urgent need for statistics on conventional types of crime and on transnational crime that can be used for comparative purposes,

Considering also that crime and criminal justice statistics that can be used for comparative purposes are an indispensable tool for designing criminal policies,

Taking into account the fact that modern information technologies offer new opportunities both for improved operational information systems and for the collection, analysis and dissemination of statistical information,

Noting with appreciation the directory of computerized criminal justice information systems[138] published by the European Institute for Crime Prevention and Control, affiliated with the United Nations, and the draft model of the "European sourcebook of crime and criminal justice statistics", to be published by the Council of Europe,

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[137] E/CN.15/1997/5/Add.1.

[138] 1995 Directory: Computerized Criminal Justice Information Systems, HEUNI Publication Series, No. 27 (The Hague, 1995).

Also noting with appreciation the interregional training course entitled "The United Nations Crime and Justice Information Network: Providing Information to and from Developing Countries", hosted by the Government of the Republic of Korea, which was held at Seoul from 9 to 13 September 1996,

1. Urges Member States to designate offices or bodies responsible for the coordination of data collection at the country level, with a view to improving cooperation with the United Nations, and to communicate information on the designated coordinating offices or bodies to the Crime Prevention and Criminal Justice Division of the Secretariat;

2. Requests the Secretary-General to provide assistance, upon request, to those Member States that might have difficulties in replying to the questionnaires related to the United Nations surveys of crime trends and the operations of criminal justice systems;

3. Recommends that the Secretary-General carry out the Sixth United Nations Survey of Crime Trends and the Operations of Criminal Justice Systems for the period 1995-1997 and that subsequent core surveys be conducted every three or four years and include, when needed, supplementary surveys on selected topics;

4. Urges Member States and the relevant institutes of the United Nations Crime Prevention and Criminal Justice Programme network to assist the Secretary-General in establishing an advisory steering group, pursuant to Economic and Social Council resolution 1996/11, drawing upon extrabudgetary resources, to carry out the following operational tasks:

(a) Assisting Member States, at their request, through, inter alia, a standing pool of experts, in the review and assessment of experiences in the computerization of criminal justice operations and/or in the implementation of actual computerization projects;

(b) Assisting Member States, at their request, through, inter alia, a standing pool of experts, in technical cooperation projects to strengthen national capacities for the collection, analysis and dissemination of crime and criminal justice statistics, including participation in the United Nations surveys of crime trends and operations of criminal justice systems and the international surveys of victims of crime;

(c) Assisting Member States, at their request, in training, at the national, regional and interregional levels, experts in the collection, analysis, dissemination and policy use of crime and criminal justice statistics;

(d) Assisting the Secretary-General in designing a core questionnaire for future United Nations surveys of crime trends and operations of criminal justice systems and in designing supplementary questionnaires on extensive ad hoc topics;

(e) Assisting the Secretary-General in designing an effective framework for the collection of data on transnational crime;

(f) Assisting in the dissemination of statistical and other relevant policy information on crime and criminal justice by means of modern information technologies, in collaboration with the United Nations Crime and Justice Information Network and the United Nations On-line Crime and Justice Clearing House;

(g) Assisting in training officials responsible for maintaining national crime and criminal justice statistics in order to improve national data collection capacities;

5. Welcomes the offer of the Governments of Argentina and the Netherlands to support the work of the advisory steering group by hosting regional and/or interregional meetings and invites other Member States to provide similar support;

6. Also welcomes the offer of the Government of Canada to assist the Secretariat, which will work in cooperation with the members of the Crime Prevention and Criminal Justice Programme network and other interested experts, in the preparation of the Guide on the Development and Analysis of Criminal Justice Statistics;

7. Requests the Secretary-General to develop, in cooperation with the members of the Crime Prevention and Criminal Justice Programme network and other interested experts, an annex to the above-mentioned Guide that would include specific examples of basic statistical instruments used for data collection, such as questionnaires, information output, reports, classifications, definitions and victimological issues, with a view to making national approaches to data collecting more compatible, thus making data comparable.

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1997/28. Firearm regulation for purposes of crime prevention and public health and safety

The Economic and Social Council,

Recalling resolution 9 of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,[139]

Recalling section IV.A of its resolutions 1995/27 of 24 July 1995 and its resolution 1996/28 of 24 July 1996,

Mindful of the need for effective implementation of those resolutions,

Taking note of the report of the Secretary-General on measures to regulate firearms,[140]

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[139] Report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Cairo, 29 April-8 May 1995 (A/CONF.169/16/Rev.1), chap. 1.

[140] E/CN.15/1997/4 and Corr.1.

Also taking note of the findings contained in the draft "United Nations international study on firearm regulation", prepared by the Crime Prevention and Criminal Justice Division of the Secretariat,

Further taking note of the work of the Inter-American Drug Abuse Control Commission of the Organization of American States on the question of control of the international movement of illicit firearms and explosives, including the proposal for a model regulation for the control of the international movement of firearms,

1. Urges Member States that have not already replied to the questionnaire related to the draft "United Nations international study on firearm regulation" to do so by 30 September 1997;

2. Requests the Secretary-General to continue the data collection and dissemination of information on firearm regulation, including the revised survey format referred to in the report of the Expert Group Meeting on Gathering Information on and Analysis of Firearm Regulation, and the ongoing and regular maintenance of a list of contact persons and organizations in each Member State with the responsibility of providing such information and enhancing the existing database on firearm regulation;

3. Takes note with appreciation of the proposal of the Secretary-General[141] to convene an ad hoc meeting of representatives of relevant international organizations with a view to better coordinating the data collection that is necessary for a more complete understanding of the issues affecting firearm regulation;

4. Requests the Secretary-General to promote, within existing resources, technical cooperation projects that recognize the relevance of firearm regulation in addressing violence against women, in promoting justice for victims of crime and in addressing the problem of children and youth as victims and perpetrators of crime and in re-establishing or strengthening the rule of law in post-conflict peacekeeping projects;

5. Encourages Member States to consider, where they have not yet done so, regulatory approaches to the civilian use of firearms that include the following common elements:

(a) Regulations relating to firearm safety and storage;

(b) Appropriate penalties and/or administrative sanctions for offences involving the misuse or unlawful possession of firearms;

(c) Mitigation of, or exemption from, criminal responsibility, amnesty or similar programmes that individual Member States determine to be appropriate, so as to encourage citizens to surrender illegal, unsafe or unwanted firearms;

(d) A licensing system, including the licensing of firearm businesses, to ensure that firearms are not distributed to persons convicted of serious crimes or other persons who are prohibited under the laws of the respective Member States from owning or possessing firearms;

(e) A record-keeping system for firearms, including a system for the commercial distribution of firearms and a requirement for appropriate marking of firearms at manufacture and at import, to assist criminal investigations, discourage theft and ensure that firearms are distributed only to persons who may lawfully own or possess firearms under the laws of the respective Member States;

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[141] E/CN.15/1997/20, para. 10.

6. Requests the Secretary-General to include in the provisional agendas for the four regional workshops on firearm regulation to be organized in 1997 in accordance with the work plan[142] approved by the Economic and Social Council in its resolution 1996/28, within existing resources or subject to the availability of extrabudgetary funding, the possible development of a United Nations declaration of principles, based on the regulatory approaches suggested above, the collection of comparable information on firearm regulation, the provision of technical assistance, training and information-sharing and the need for implementing bilateral, regional or multilateral agreements or arrangements on combating illicit trafficking in firearms, in order to ensure that all Member States have sufficient capacity in the area of firearm regulation, and requests that interested non-governmental organizations should each be allowed to make a statement at the regional workshops on subjects covered in their agenda but should not be permitted to attend workshop meetings where sensitive law enforcement issues will be discussed;

7. Also requests the Secretary-General to seek the views of Member States, institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, relevant United Nations entities and intergovernmental and non-governmental organizations on the development of a declaration of principles, based on the regulatory approaches suggested above, and to submit a report containing the views received to the Commission on Crime Prevention and Criminal Justice at its seventh session;

8. Further requests the Secretary-General to explore ways and means of developing a programme of continuing education for criminal justice administrators and of public education and awareness-building in relation to the links between firearms in civilian use and the unacceptable levels of violence in cities, communities and families, and to disseminate that information in order to encourage Member States to undertake similar programmes;

9. Encourages Member States to ensure the tracing of illegal firearms and accurate and prompt responses to requests from other Member States for firearm-tracing;

10. Invites the International Criminal Police Organization (Interpol) to review the firearm- and ballistic-tracing capabilities of its member States, with a view to advising the Commission on Crime Prevention and Criminal Justice on the adequacy of those capabilities, and to clarify and compile common firearm terminology and descriptions, preferably in the form of an index, in order to enhance the sharing of investigative information on illegal firearms among Member States;

11. Invites the United Nations Panel of Governmental Experts on Small Arms, established in pursuance of General Assembly resolution 50/70 B of 12 December 1995, and other relevant specialized intergovernmental organizations to provide the Commission on Crime Prevention and Criminal Justice with available information about the results of their work in relation to the proliferation of illegal military small arms in Member States;

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[142] Official Records of the Economic and Social Council, 1996, Supplement No. 10 (E/1996/30), para. 73 (g).

12. Invites the Customs Co-operation Council, also called the World Customs Organization, to review international customs practices relating to the movement of firearms for civilian purposes and worldwide trends in firearm smuggling, including such matters as import and export licensing, monitoring, standard protocols, including a common import and export certificate, and an advance notification system, with a view to advising the Commission on Crime Prevention and Criminal Justice on the effectiveness of controls concerning the international movement of firearms;

13. Invites other relevant intergovernmental organizations to re-analyse their data on issues related to firearms, within the scope of the international study on firearm regulation, with a view to informing the Commission on Crime Prevention and Criminal Justice, through the Secretary-General, of possible steps towards improving the collection and analysis of the related interdisciplinary statistics;

14. Reiterates its request to the Secretary-General to publish the "United Nations international study on firearm regulation", as scheduled in the work plan approved in Council resolution 1996/28, and to disseminate the study as widely as possible;

15. Encourages Member States to disseminate the report of the Secretary-General on measures to regulate firearms[140] and the "United Nations international study on firearm regulation" in their own countries and to consider the usefulness of the report and the study in evaluating whether to undertake new initiatives in firearm regulation;

16. Requests the Secretary-General to prepare a report on the implementation of the present resolution and to submit it to the Commission on Crime Prevention and Criminal Justice at its seventh session;

17. Decides that the Commission on Crime Prevention and Criminal Justice should consider the item entitled "Measures to regulate firearms" at its seventh session, drawing on the report of the Secretary-General referred to in paragraph 16 above.

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1997/29. Measures on the prevention and control of illicit trafficking in motor vehicles

The Economic and Social Council,

Alarmed by the rapid growth and geographical expansion of the illicit trafficking in motor vehicles, which increasingly transcends national borders,

Concerned about the increasing role of organized transnational crime in the theft of and illicit trafficking in motor vehicles,

Recognizing that car theft and illicit trafficking in motor vehicles, with their high costs, have adverse effects on the safety and national economies of Member States,

Recalling section II, paragraph 1 of its resolution 1995/27 of 24 July 1995, in which it requested the Commission on Crime Prevention and Criminal

Justice to consider measures on the prevention and suppression of illicit trafficking in motor vehicles,

Emphasizing the need for strengthened and more effective international cooperation at all levels to fight illicit trafficking in motor vehicles,

Acknowledging, in particular, the importance of international police cooperation in the prevention of and fight against illicit trafficking in motor vehicles and the need for a rapid exchange of information between States on the status and origins of motor vehicles,

Recognizing the work already undertaken by the International Criminal Police Organization in establishing a worldwide stolen vehicle database,

Welcoming the participation of and contributions made by representatives of the private sector, particularly insurance companies, insurance crime bureaux and car manufacturers, in the prevention and control of illicit trafficking in motor vehicles,

1. Expresses its appreciation to the Government of Poland for acting as host to the Conference on Theft of and Illicit Trafficking in Motor Vehicles, held at Warsaw on 2 and 3 December 1996, and to the Government of the United States of America for providing financial support for that conference;

2. Also expresses its appreciation to the Government of the Russian Federation for acting as host to the Conference on International Cooperation in the Prevention and Control of the Theft of and Illicit Trafficking in Motor Vehicles, held at Moscow from 28 February to 2 March 1997, and to the Government of the United States of America, the United Nations Development Programme and the European Institute for Crime Prevention and Control, affiliated with the United Nations, for providing financial support for that conference;

3. Takes note of the recommendations of the Warsaw Conference, contained in the report of the Secretary-General on measures for the prevention and suppression of illicit trafficking in motor vehicles,[143] and the Moscow Declaration, contained in annex I to the present resolution;

4. Urges Member States:

(a) To improve international cooperation in the prevention and control of theft of, trafficking in and other offences in connection with stolen vehicles and to negotiate and conclude, as appropriate, in compliance with domestic law, bilateral and/or multilateral agreements or arrangements on a simplified and effective procedure for recovering stolen vehicles that clearly define, inter alia, the documentation required, certification procedures, translation requirements, authorized expenses and the applicability of value-added tax, taking into account the Model Bilateral Treaty for the Return of Stolen or Embezzled Vehicles, contained in annex II to the present resolution, and other bilateral treaties, as well as the United Nations model treaties on extradition,[144] on mutual assistance in criminal matters,[145] on the transfer of proceedings in criminal matters[146] and on the transfer of supervision of offenders conditionally sentenced or conditionally released,[147] as necessary, as useful tools in improving international cooperation in the investigation and prosecution of cases involving illicit trafficking in motor vehicles;

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[143] E/CN.15/1997/9.

[144] General Assembly resolution 45/116, annex.

[145] General Assembly resolution 45/117, annex.

(b) To improve the exchange of information on the theft of and illicit trafficking in motor vehicles, to explore the possibility of establishing national databases on stolen vehicles and other pertinent information and to support the efforts of the International Criminal Police Organization by supplying their national data on stolen vehicles to the Interpol Automated Search Facility International Stolen Vehicle Database, to exchange information among themselves on a bilateral, subregional or regional basis and, through international law enforcement entities, to fight illicit trafficking in motor vehicles more effectively;

(c) To consider developing compatible registration and titling procedures and documents for motor vehicles in order to facilitate the identification of rightful owners of such vehicles by competent national authorities, to harmonize the elements contained in the registration documents of motor vehicles as a means of preventing the illicit trafficking in motor vehicles, to consider the possibility of integrating their national stolen vehicle databases into the international stolen vehicle database, to explore the possibility of establishing salvage control procedures to ensure that the title documents of wrecked vehicles are not used on stolen vehicles and to exchange information on how to improve the security features of car registration documents;

(d) To consider making the necessary changes in their national laws and procedures to improve the response of the justice system to vehicle theft and trafficking and reduce to a minimum conflicting property issues derived from the international repatriation of stolen vehicles, taking due consideration of the interests of bona fide third parties;

(e) To make all possible efforts to strengthen their cooperation in this field, at the bilateral, regional and interregional levels, inter alia, by:

(i) Actively promoting close operational cooperation and exchange of information among competent national authorities across national borders to detect, apprehend and bring to justice persons engaged in trafficking in stolen vehicles and to promote close cooperation among other relevant agencies to ensure the return of stolen vehicles to their rightful owners, in accordance with national laws;

(ii) Responding promptly to requests by law enforcement agencies in other States for assistance in the recovery of stolen vehicles;

(f) To study the possibility of adopting a standard world vehicle identification number system to be applied to all vehicles manufactured within or exported to Member States;

5. Requests the Secretary-General, within existing resources or subject to the availability of extrabudgetary resources:

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[146] General Assembly resolution 45/118, annex.

[147] General Assembly resolution 45/119, annex.

(a) To elaborate a training manual for law enforcement and customs personnel on the prevention and control of trafficking in stolen and misappropriated vehicles, for use in the provision of practical assistance to requesting Member States, as well as a comprehensive training manual on vehicle identification;

(b) To develop and carry out, in States requesting technical assistance for law enforcement and customs personnel, training programmes on the recovery of stolen vehicles;

(c) To provide advisory services to requesting Member States for the elaboration or reform of pertinent legislation, as well as for the development of bilateral, multilateral and/or regional treaties in this area;

(d) To continue conducting research on the scope, methods and organization of groups engaged in the theft of and illicit trafficking in motor vehicles;

6. Invites Member States and the private sector to assist the Secretary-General in undertaking the activities contained in paragraph 5 above;

7. Recommends that the fight against the theft of and trafficking in stolen vehicles should take into account recent progress in anti-theft and immobilizing systems, as well as other possibilities offered by new technologies;

8. Recommends that authorities, vehicle manufacturers, insurance companies and equipment manufacturers should, in conjunction with the efforts made by government authorities, further study and improve systems for identifying vehicles and spare parts, sharing their findings with the relevant law enforcement agencies;

9. Requests the Secretary-General to submit to the Commission on Crime Prevention and Criminal Justice at its eighth session a report on the implementation of the present resolution.

36th plenary meeting
21 July 1997

Annex I

MOSCOW DECLARATION

We, participants gathered at the Conference on International Cooperation in the Prevention and Control of the Theft of and Illicit Trafficking in Motor Vehicles, held at Moscow from 28 February to 2 March 1997,

1. Endorse the recommendations of the Conference on Theft of and Illicit Trafficking in Motor Vehicles, held at Warsaw on 2 and 3 December 1996.

Among the various issues emerging from the Warsaw Conference, we recommend the following points for immediate action by Governments:

(a) As a first priority, to support the development of the Interpol Automated Search Facility International Stolen Vehicle Database;

(b) To establish national centralized vehicle registration systems based on a standard set of data, which include the physical description and identifying numbers of the motor vehicle as well as details of the registered owner or keeper;

(c) To request that vehicles written off by insurers are reported to the centralized vehicle registration system, or alternatively, that authorities check with private databases that keep such records, in order to prevent the vehicle identification number (VIN) of a vehicle that has been written off from being used to hide the identity of a stolen vehicle;

(d) To find appropriate means in order to ensure that prior to registration of an imported vehicle, national authorities confirm that a vehicle has not been reported stolen in any country of prior registration, *inter alia*, using the Interpol Automated Search Facility system;

(e) To promote the adoption of a standard format for a world VIN system applying to all vehicles manufactured within the country or exported to other countries, to provide for the secure marking of identifying numbers on component parts of the vehicles, and to encourage the keeping of such records by manufacturers and their being made available to relevant law enforcement agencies;

(f) To consider mandating the installation of effective security devices by manufacturers, including effective immobilizers and perimeter security;

(g) To conclude on a bilateral or multilateral basis agreements on the return of stolen vehicles, based on the Model Treaty for the Return of Stolen or Embezzled Vehicles, contained in the appendix to the recommendations of the Warsaw Conference;

(h) To promote better operational cooperation and exchange of information among the relevant law enforcement and other agencies at the national and international levels.

2. *Draw to the attention* of the United Nations Commission on Crime Prevention and Criminal Justice the following:

(a) The elaboration and the implementation of the technical cooperation activities to be requested of the Secretary-General, in accordance with paragraph 2 (g) of the recommendations of the Warsaw Conference; such activities should include the elaboration of a comprehensive training manual on vehicle identification;

(b) In the context of technical assistance and training, the continuation of research on the scope, methods and organization of groups engaged in vehicle theft and trafficking.

3. *Urge* States and the private sector to assist the Secretary-General in undertaking the activities referred to in paragraph 2 above.

4. *Invite* the United Nations Commission on Crime Prevention and Criminal Justice to keep this topic and the measures taken by Governments to implement these recommendations under constant review.

Annex II

MODEL BILATERAL TREATY FOR THE RETURN OF STOLEN OR EMBEZZLED VEHICLES

(The Government of [country name] and the Government of [country name],[148])

or

(The States Parties to the present Treaty,[149])

Recognizing the growing problem of theft of and illicit trafficking in motor vehicles,

Considering the difficulties faced by innocent owners in securing the return of motor vehicles stolen or embezzled in the territory of one Party that are recovered in the territory of another Party,

Desiring to eliminate such difficulties and to regularize procedures for the expeditious return of such vehicles,

Have agreed as follows:

Article 1

For the purposes of the present Treaty:

(a) A "vehicle" shall mean any automobile, truck, bus, motorcycle, motorhome, or trailer;

(b) A vehicle shall be considered "stolen" when possession thereof has been obtained without the consent of the owner or other person legally authorized to use such motor vehicle;

(c) A vehicle shall be considered "embezzled" when:

(i) It is unlawfully converted by the person who had rented it from an enterprise legally authorized for that purpose and in the normal course of business; or

(ii) It is unlawfully converted by a person with whom it has been deposited by official or judicial action;

(d) All references to "days" shall mean calendar days.

Article 2

Each Party agrees to return, in accordance with the terms of the present Treaty, vehicles that are:

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[148] This provision would be applicable to bilateral agreements.

[149] This provision would be applicable to subregional or regional agreements.

(a) Registered, titled or otherwise documented in the territory of a Party;

(b) Stolen or embezzled in the territory of a Party; and

(c) Found in the territory of a Party.

Article 3

1. Whenever police, customs or other authorities of a Party impound or seize a vehicle that they have reason to believe is registered, titled or otherwise documented in the territory of another Party, the first Party shall, within [thirty] days of such impoundment or seizure, notify, in writing, [the Embassy] of the other Party that its authorities have custody of the motor vehicle.

2. Such notification shall include all available identifying data about the vehicle of the type listed in appendix I to the present Treaty, a description of the condition of the motor vehicle, the current location of the vehicle, the identity of the authority with physical custody of the vehicle and [any] information that indicates whether it was being used in connection with the commission of a crime.

Article 4

Authorities of the Party who have impounded or seized a vehicle that they have reason to believe is registered, titled or otherwise documented in the territory of another Party shall promptly take it to a storage area and shall take reasonable steps regarding the safekeeping of the vehicle. The said authorities shall not thereafter operate, auction, dismantle or otherwise alter or dispose of the vehicle. However, the present Treaty shall not preclude the said authorities from operating, auctioning, dismantling or otherwise altering or disposing of the vehicle if:

(a) No request for the return of the vehicle is filed within [sixty] days of the notification made pursuant to article 3 above;

(b) A determination is made in accordance with article 7, paragraph 1, below that a request for the return of the vehicle does not meet the requirements of the present Treaty and notification of such determination has been made in accordance with article 7, paragraph 3;

(c) The vehicle has not been retrieved, within the time period stated in article 7, paragraph 2, below by the person identified in the request for return as the owner or the owner's authorized representative after the vehicle has been made available as provided in article 7, paragraph 2; or

(d) There is no obligation under the present Treaty pursuant to article 8, paragraphs 2 or 3, below to return the vehicle.

Article 5

1. After receiving a notification made pursuant to article 3 above, a Party may submit a request for the return of the vehicle.

2. The request for return [shall be transmitted under seal of a consular officer of the Requesting Party and] shall follow the form shown in appendix II to the present Treaty. A copy of the request shall be transmitted under cover of a note to the [Ministry of Foreign Affairs] of the Requested Party. A request shall be made only after receipt by the consular officer of properly notarized certified copies of the following documents:

(a)(i) The title of ownership to the vehicle, if the vehicle is subject to titling, but, if a title is not available, a certified statement from the titling authority that the motor vehicle is titled and specifying the person or entity to whom it is titled;

(ii) The certificate of registration of the vehicle, if the vehicle is subject to registration, but, if the registration document is not available, a certified statement from the registering authority that the vehicle is registered and specifying the person or entity to whom it is registered;

(iii) The bill of sale or other documentation that establishes ownership of the vehicle, in the event the vehicle is not titled or registered;

(b) The document of transfer, if, subsequent to the theft or embezzlement of the vehicle, the owner at the time of the theft or embezzlement has transferred ownership to a third party;

(c) The theft report, made within a reasonable time to a competent authority in the Requesting Party, and a translation thereof. In the event that the theft report is made after the vehicle is seized or otherwise comes into possession of the Requested Party, the person seeking its return shall furnish a document justifying the reasons for the delay in reporting the theft and may provide any supporting documentation therefor; and

(d) In cases in which the person requesting the return of a vehicle is not the owner, a power of attorney, granted in the presence of a notary public by the owner or his legal representative, authorizing that person to recover the vehicle.

3. Except as noted in paragraph 2 (c) above, translations of documents need not be provided. The requirement for translation of a theft report may be waived by authorities of the Requested Party. No further legalization or authentication of documents will be required by the Requested Party.

Article 6

If a Party learns, through means other than a notification made pursuant to article 3 above, that the authorities of another Party may have impounded, seized or otherwise taken possession of a vehicle that may be registered or otherwise documented in the territory of the first Party, that Party:

(a) May, through a note to the [Ministry of Foreign Affairs] of the other Party, seek official confirmation of this and may request the other Party to provide the notification described in article 3, in which case the other Party shall either provide the notification or explain, in writing, why notification is not required; and

(b) May also, in appropriate cases, submit a request for the return of the vehicle as described in article 5 above.

Article 7

1. Except as provided for in article 8 below, the Requested Party shall, within [thirty] days of receiving a request for the return of a stolen or embezzled vehicle, determine whether the request for return meets the requirements of the present Treaty and shall notify [the Embassy] [illegible] the Requesting Party of its determination.

2. If the Requested Party determines that the request for the return of a stolen or embezzled vehicle meets the requirements of the present Treaty, the Requested Party shall within [fifteen] days of such determination make the vehicle available to the person identified in the request for return as the owner or the owner's authorized representative. The vehicle shall remain available for the person identified in the request for return as the owner or the owner's authorized representative to take delivery for at least [ninety] days. The Requested Party shall take necessary measures to permit the owner or the owner's authorized representative to take delivery of the vehicle and return it to the territory of the Requesting Party.

3. If the Requested Party determines that the request for return does not meet the requirements of the present Treaty, it shall provide written notification to [the Embassy] of the Requesting Party.

Article 8

1. If a vehicle whose return is requested is being held in connection with a criminal investigation or prosecution, its return pursuant to the present Treaty shall be effected when its presence is no longer required for purposes of that investigation or prosecution. The Requested Party shall, however, take all practicable measures to assure that substitute pictorial or other evidence is used wherever possible in such investigation or prosecution so that the vehicle may be returned as soon as possible.

2. If the ownership or custody of a vehicle whose return is requested is the subject of a pending judicial action in the Requested Party, its return pursuant to the present Treaty shall be effected at the conclusion of that judicial action. However, a Party shall have no obligation under the Treaty to return the vehicle if such judicial action results in the award of the vehicle to a person other than the person identified in the request for return as the owner of the vehicle or the owner's authorized representative.

3. A Party shall have no obligation under the present Treaty to return a vehicle whose return is requested if the vehicle is subject to forfeiture under its laws because it was used in its territory for the commission of a crime. The Requested Party shall not forfeit the vehicle without giving the owner or the owner's authorized representative reasonable notice and an opportunity to contest such forfeiture in accordance with its laws.

4. A Party shall have no obligation under the present Treaty to return a stolen or embezzled vehicle if no request for return is made within [sixty] days of a notification made pursuant to article 3 above.

5. If the return of a stolen or embezzled vehicle whose return is requested is postponed, pursuant to paragraphs 1 or 2 of the present article, the Requested Party shall so notify [the Embassy] of the Requesting Party in writing within [thirty] days of receiving a request for the return of the vehicle.

Article 9

1. The Requested Party shall not impose any import or export duties, taxes, fines or other monetary penalties or charges on vehicles returned in accordance with the present Treaty, or on their owners or authorized representatives, as a condition for the return of such vehicles.

2. Actual expenses incurred in the return of the vehicle, including towing costs, storage costs, maintenance costs, transportation costs, and costs of translation of documents required under the present Treaty, shall be borne by the person or entity seeking its return and shall be paid prior to the return of the vehicle. The Requested Party shall use its best efforts to keep such expenses at reasonable levels.

3. In particular cases, the expenses of return may include the costs of any repairs or reconditioning of a vehicle which may have been necessary to permit the vehicle to be moved to a storage area or to maintain it in the condition in which it was found. The person or entity seeking the return of a vehicle shall not be responsible for the costs of any other work performed on the vehicle while it was in the custody of the authorities of the Requested Party.

Article 10

The mechanisms for the recovery and return of stolen or embezzled vehicles under the present Treaty shall be in addition to those available under the laws of the Requested Party. Nothing in the Treaty shall impair any rights for the recovery of stolen or embezzled vehicles under applicable law.

Article 11

1. Any differences regarding the interpretation or application of the present Treaty shall be resolved through consultations between the Parties.

2. The present Treaty shall be subject to ratification. It shall enter into force on the date of exchange of instruments of ratification.

3. The present Treaty may be terminated by either Party upon a minimum of [ninety] days' written notification.[150]

DONE at [site], this _______ day of __________, ____, in duplicate, in the __________ and __________ languages, both texts being equally authentic.

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[150] Applicable to bilateral agreements. Other suitable provisions, in accordance with international law and standard practice, would need to be inserted for subregional or regional agreements.

Appendix I

IDENTIFYING INFORMATION TO BE PROVIDED IN A NOTIFICATION MADE PURSUANT TO ARTICLE 3

1. Vehicle identification number.

2. Name of manufacturer of vehicle.

3. Vehicle model and year of manufacture, if known.

4. Colour of vehicle.

5. Licence plate number of vehicle and jurisdiction of issuance, if available.

6. City/other jurisdiction tag or sticker number and name of city/other jurisdiction, if available.

7. A description of the condition of the vehicle, including mobility of vehicle, if known, and repairs that appear necessary.

8. The current location of the vehicle.

9. The identity of the authority having physical custody of the vehicle and a contact point, including name, address and telephone number, of the official having recovery information.

10. Any information which indicates whether the vehicle was being used in connection with the commission of a crime.

11. Whether it appears that the vehicle may be subject to forfeiture under the laws of the notifying State.

Appendix II

REQUEST FOR THE RETURN OF A STOLEN OR EMBEZZLED VEHICLE

[The Embassy of [country name]] respectfully requests that (the appropriate authority of) [country name] return the vehicle described below to (its owner/its owner's authorized representative) in accordance with the Treaty for the Return of Stolen or Embezzled Vehicles:

Make:

Model (year):

Type:

Vehicle identification number:

Licence plates:

Registered owner:

[The Embassy of [country name]] certifies that it has examined the following documents, which have been presented by (identity of person submitting documents) as evidence of (his or her ownership of the vehicle/ownership of the vehicle by the person for whom he or she is acting as authorized representative) and found them to be properly certified under the laws of (appropriate jurisdiction):

(a) (Document description);

(b) (Document description);

(c) (Document description);

(d) (Document description).

Complimentary close

Place and date

Attachments

1997/30. *Administration of juvenile justice*

The Economic and Social Council,

Recalling General Assembly resolution 50/181 of 22 December 1995 on human rights in the administration of justice, Commission on Human Rights resolutions 1996/85 of 24 April 1996[151] and 1997/44 of 11 April 1997,[152] on the rights of the child, and resolution 7 of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,[153]

Recalling also its resolution 1996/13 of 23 July 1996 on the administration of juvenile justice,

Recalling further Commission on Human Rights resolution 1996/32 of 19 April 1996 on human rights in the administration of justice, in particular with regard to children and juveniles in detention,[151]

Welcoming the fact that the Committee on the Rights of the Child attaches particular importance to the question of the administration of juvenile justice and that it has made concrete recommendations concerning the improvement of juvenile justice systems, through action by the Secretariat and other relevant United Nations entities, including the provision of advisory services and technical cooperation,

Noting the importance of advisory services and technical cooperation programmes for assisting States in implementing such recommendations,

Expressing its appreciation to the Government of Austria for having hosted an expert group meeting at Vienna from 23 to 25 February 1997 on the elaboration of a programme of action to promote the effective use and application of international standards and norms in juvenile justice,

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[151] *Official Records of the Economic and Social Council, 1996, Supplement No. 3* (E/1996/23), chap. II, sect. A.

[152] Ibid., *1997, Supplement No. 3* (S/1997/23), chap. II, sect. A.

[153] *Report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Cairo, 29 April-8 May 1995* (A/CONF.169/16/Rev.1), chap. I.

Recognizing the need to further strengthen international cooperation and technical assistance in the field of juvenile justice,

1. Welcomes the Guidelines for Action on Children in the Criminal Justice System, annexed to the present resolution, which were elaborated by the expert group meeting on the elaboration of a programme of action to promote the effective use and application of international standards and norms in juvenile justice held at Vienna from 23 to 25 February 1997 in response to Economic and Social Council resolution 1996/13 and amended by the Commission on Crime Prevention and Criminal Justice at its sixth session, and invites all parties concerned to make use of the Guidelines in the implementation of the provisions of the Convention on the Rights of the Child[154] with regard to juvenile justice;

2. Encourages Member States to make use of the technical assistance offered through United Nations programmes, including in particular the United Nations Crime Prevention and Criminal Justice Programme, in order to strengthen national capacities and infrastructures in the field of juvenile justice, with a view to fully implementing the provisions of the Convention on the Rights of the Child relating to juvenile justice, as well as making effective use and application of the United Nations standards and norms in juvenile justice;

3. Invites the Crime Prevention and Criminal Justice Division of the Secretariat, the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, the United Nations Children's Fund and other relevant United Nations bodies and programmes to give favourable consideration to requests of Member States for technical assistance in the field of juvenile justice;

4. Calls on Member States to contribute financial and other resources to project activities designed to assist in the use of the Guidelines for Action;

5. Invites the Secretary-General to strengthen the system-wide coordination of activities in the field of juvenile justice, including the prevention of juvenile delinquency, particularly with regard to research, dissemination of information, training and the effective use and application of existing standards and norms, as well as the implementation of technical assistance projects;

6. Also invites the Secretary-General to consider establishing a coordination panel on technical advice and assistance in juvenile justice, subject to the availability of regular budget or extrabudgetary funds, as recommended in the Guidelines for Action, which could be convened at least annually with a view to coordinating such international activities in the field of juvenile justice and could consist of representatives of the Committee on the Rights of the Child, the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the Secretariat, together with representatives of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, the United Nations Children's Fund, the United Nations Development Programme and other relevant United Nations organizations and specialized agencies, as well as of other interested intergovernmental, regional

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[154] General Assembly resolution 44/25, annex.

and non-governmental organizations, including international networks concerned with juvenile justice issues and academic institutions involved in the provision of technical advice and assistance;

7. _Invites_ the Secretary-General to undertake, subject to the availability of regular budget or extrabudgetary funds and in cooperation with interested Governments, needs assessment missions on the basis of recommendations made by the Committee on the Rights of the Child, with a view to reforming or improving the juvenile justice systems of requesting States, through joint initiatives involving, as required, the Crime Prevention and Criminal Justice Division, the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Development Programme, the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the World Bank and other international and regional financial institutions and organizations, as well as non-governmental organizations and academic institutions, including existing international networks concerned with juvenile justice issues, taking into account the advice of any panel established pursuant to paragraph 6 above;

8. _Requests_ those organizations, subject to the availability of regular budget or extrabudgetary funds, as well as interested Governments, to offer assistance through short-, medium- and long-term projects to those States parties to the Convention on the Rights of the Child which the Committee on the Rights of the Child considers to be in need of improvement in their juvenile justice systems and recommends that such projects be undertaken in the context of the report of the States parties concerned on the implementation of the Convention, in accordance with article 44 of the Convention;

9. _Invites_ the governing bodies of the organizations referred to in paragraph 7 above to include in their programme activities a component on juvenile justice, with a view to ensuring the implementation of the present resolution;

10. _Requests_ the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice on the implementation of the present resolution on a biennial basis.

36th plenary meeting
21 July 1997

Annex

GUIDELINES FOR ACTION ON CHILDREN IN THE CRIMINAL JUSTICE SYSTEM

1. Pursuant to Economic and Social Council resolution 1996/13 of 23 July 1996, the present Guidelines for Action on Children in the Criminal Justice System were developed at an expert group meeting held at Vienna from 23 to 25 February 1997 with the financial support of the Government of Austria. In developing the Guidelines for Action, the experts took into account the views expressed and the information submitted by Governments.

2. Twenty-nine experts from eleven States in different regions, representatives of the Centre for Human Rights of the Secretariat, the United

Nations Children's Fund and the Committee on the Rights of the Child, as well as observers for non-governmental organizations concerned with juvenile justice, participated in the meeting.

3. The Guidelines for Action are addressed to the Secretary-General and relevant United Nations agencies and programmes, States parties to the Convention on the Rights of the Child,[155] as regards its implementation, as well as Member States as regards the use and application of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules),[156] the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)[157] and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty,[158] hereinafter together referred to as United Nations standards and norms in juvenile justice.

I. AIMS, OBJECTIVES AND BASIC CONSIDERATIONS

4. The aims of the Guidelines for Action are to provide a framework to achieve the following objectives:

(a) To implement the Convention on the Rights of the Child and to pursue the goals set forth in the Convention with regard to children in the context of the administration of juvenile justice, as well as to use and apply the United Nations standards and norms in juvenile justice and other related instruments, such as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power;[159]

(b) To facilitate the provision of assistance to States parties for the effective implementation of the Convention on the Rights of the Child and related instruments.

5. In order to ensure effective use of the Guidelines for Action, improved cooperation between Governments, relevant entities of the United Nations system, non-governmental organizations, professional groups, the media, academic institutions, children and other members of civil society is essential.

6. The Guidelines for Action should be based on the principle that the responsibility to implement the Convention clearly rests with the States parties thereto.

7. The basis for the use of the Guidelines for Action should be the recommendations of the Committee on the Rights of the Child.

8. In the use of the Guidelines for Action at both the international and national levels, consideration should be given to the following:

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[155] General Assembly resolution 44/25, annex.

[156] General Assembly resolution 44/33, annex.

[157] General Assembly resolution 45/112, annex.

[158] General Assembly resolution 45/113, annex.

[159] General Assembly resolution 40/34, annex.

(a) Respect for human dignity, compatible with the four general principles underlying the Convention, namely: non-discrimination, including gender-sensitivity; upholding the best interests of the child; the right to life, survival and development; and respect for the views of the child;

(b) A rights-based orientation;

(c) A holistic approach to implementation through maximization of resources and efforts;

(d) The integration of services on an interdisciplinary basis;

(e) Participation of children and concerned sectors of society;

(f) Empowerment of partners through a developmental process;

(g) Sustainability without continuing dependency on external bodies;

(h) Equitable application and accessibility to those in greatest need;

(i) Accountability and transparency of operations;

(j) Proactive responses based on effective preventive and remedial measures.

9. Adequate resources (human, organizational, technological, financial and information) should be allocated and utilized efficiently at all levels (international, regional, national, provincial and local) and in collaboration with relevant partners, including Governments, United Nations entities, non-governmental organizations, professional groups, the media, academic institutions, children and other members of civil society, as well as other partners.

II. PLANS FOR THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD, THE PURSUIT OF ITS GOALS AND THE USE AND APPLICATION OF INTERNATIONAL STANDARDS AND NORMS IN JUVENILE JUSTICE

A. Measures of general application

10. The importance of a comprehensive and consistent national approach in the area of juvenile justice should be recognized, with respect for the interdependence and indivisibility of all rights of the child.

11. Measures relating to policy, decision-making, leadership and reform should be taken, with the goal of ensuring that:

(a) The principles and provisions of the Convention on the Rights of the Child and the United Nations standards and norms in juvenile justice are fully reflected in national and local legislation policy and practice, in particular by establishing a child-oriented juvenile justice system that guarantees the rights of children, prevents the violation of the rights of children, promotes children's sense of dignity and worth, and fully respects their age, stage of development and their right to participate meaningfully in, and contribute to, society;

(b) The relevant contents of the above-mentioned instruments are made widely known to children in language accessible to children. In addition, if necessary, procedures should be established to ensure that each and every child is provided with the relevant information on his or her rights set out in those instruments, at least from his or her first contact with the criminal justice system, and is reminded of his or her obligation to obey the law;

(c) The public's and the media's understanding of the spirit, aims and principles of justice centred on the child is promoted in accordance with the United Nations standards and norms in juvenile justice.

B. Specific targets

12. States should ensure the effectiveness of their birth registration programmes. In those instances where the age of the child involved in the justice system is unknown, measures should be taken to ensure that the true age of a child is ascertained by independent and objective assessment.

13. Notwithstanding the age of criminal responsibility, civil majority and the age of consent as defined by national legislation, States should ensure that children benefit from all their rights, as guaranteed to them by international law, specifically in this context those set forth in articles 3, 37 and 40 of the Convention.

14. Particular attention should be given to the following points:

(a) There should be a comprehensive child-centred juvenile justice process;

(b) Independent expert or other types of panels should review existing and proposed juvenile justice laws and their impact on children;

(c) No child who is under the legal age of criminal responsibility should be subject to criminal charges;

(d) States should establish juvenile courts with primary jurisdiction over juveniles who commit criminal acts and special procedures should be designed to take into account the specific needs of children. As an alternative, regular courts should incorporate such procedures, as appropriate. Wherever necessary, national legislative and other measures should be considered to accord all the rights of and protection for the child, where the child is brought before a court other than a juvenile court, in accordance with articles 3, 37 and 40 of the Convention.

15. A review of existing procedures should be undertaken and, where possible, diversion or other alternative initiatives to the classical criminal justice systems should be developed to avoid recourse to the criminal justice systems for young persons accused of an offence. Appropriate steps should be taken to make available throughout the State a broad range of alternative and educative measures at the pre-arrest, pre-trial, trial and post-trial stages, in order to prevent recidivism and promote the social rehabilitation of child offenders. Whenever appropriate, mechanisms for the informal resolution of disputes in cases involving a child offender should be utilized, including mediation and restorative justice practices, particularly processes involving victims. In the various measures to be adopted, the family should be involved, to the extent that it operates in favour of the good of the child offender. States should

ensure that alternative measures comply with the Convention, the United Nations standards and norms in juvenile justice, as well as other existing standards and norms in crime prevention and criminal justice, such as the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules),[160] with special regard to ensuring respect for due process rules in applying such measures and for the principle of minimum intervention.

16. Priority should be given to setting up agencies and programmes to provide legal and other assistance to children, if needed free of charge, such as interpretation services, and, in particular, to ensure that the right of every child to have access to such assistance from the moment that the child is detained is respected in practice.

17. Appropriate action should be ensured to alleviate the problem of children in need of special protection measures, such as children working or living on the streets or children permanently deprived of a family environment, children with disabilities, children of minorities, immigrants and indigenous peoples and other vulnerable groups of children.

18. The placement of children in closed institutions should be reduced. Such placement of children should only take place in accordance with the provisions of article 37 (b) of the Convention and as a matter of last resort and for the shortest period of time. Corporal punishment in the child justice and welfare systems should be prohibited.

19. The United Nations Rules for the Protection of Juveniles Deprived of their Liberty and article 37 (d) of the Convention also apply to any public or private setting from which the child cannot leave at will, by order of any judicial, administrative or other public authority.

20. In order to maintain a link between the detained child and his or her family and community, and to facilitate his or her social reintegration, it is important to ensure easy access by relatives and persons who have a legitimate interest in the child to institutions where children are deprived of their liberty, unless the best interests of the child would suggest otherwise.

21. An independent body to monitor and report regularly on conditions in custodial facilities should be established, if necessary. Monitoring should take place within the framework of the United Nations standards and norms in juvenile justice, in particular the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. States should permit children to communicate freely and confidentially with the monitoring bodies.

22. States should consider positively requests from concerned humanitarian, human rights and other organizations for access to custodial facilities, where appropriate.

23. In relation to children in the criminal justice system, due account should be taken of concerns raised by intergovernmental and non-governmental organizations and other interested parties, in particular systemic issues, including inappropriate admissions and lengthy delays that have an impact on children deprived of their liberty.

24. All persons having contact with, or being responsible for, children in the criminal justice system should receive education and training in human rights,

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[160] General Assembly resolution 45/110, annex.

the principles and provisions of the Convention and other United Nations standards and norms in juvenile justice as an integral part of their training programmes. Such persons include police and other law enforcement officials; judges and magistrates, prosecutors, lawyers and administrators; prison officers and other professionals working in institutions where children are deprived of their liberty; and health personnel, social workers, peacekeepers and other professionals concerned with juvenile justice.

25. In the light of existing international standards, States should establish mechanisms to ensure a prompt, thorough and impartial investigation into allegations against officials of deliberate violation of the fundamental rights and freedoms of children. States should equally ensure that those found responsible are duly sanctioned.

C. Measures to be taken at the international level

26. Juvenile justice should be given due attention internationally, regionally and nationally, including within the framework of the United Nations system-wide action.

27. There is an urgent need for close cooperation between all bodies in this field, in particular, the Crime Prevention and Criminal Justice Division of the Secretariat, the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Development Programme, the Committee on the Rights of the Child, the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization. In addition, the World Bank and other international and regional financial institutions and organizations, as well as non-governmental organizations and academic institutions, are invited to support the provision of advisory services and technical assistance in the field of juvenile justice. Cooperation should therefore be strengthened, in particular with regard to research, dissemination of information, training, implementation and monitoring of the Convention on the Rights of the Child and the use and application of existing standards, as well as with regard to the provision of technical advice and assistance programmes, for example by making use of existing international networks on juvenile justice.

28. The effective implementation of the Convention on the Rights of the Child, as well as the use and application of international standards through technical cooperation and advisory service programmes, should be ensured by giving particular attention to the following aspects related to protecting and promoting human rights of children in detention, strengthening the rule of law and improving the administration of the juvenile justice system:

(a) Assistance in legal reform;

(b) Strengthening national capacities and infrastructures;

(c) Training programmes for police and other law enforcement officials, judges and magistrates, prosecutors, lawyers, administrators, prison officers and other professionals working in institutions where children are deprived of their liberty, health personnel, social workers, peacekeepers and other professionals concerned with juvenile justice;

(d) Preparation of training manuals;

(e) Preparation of information and education material to inform children about their rights in juvenile justice;

(f) Assistance with the development of information and management systems.

29. Close cooperation should be maintained between the Crime Prevention and Criminal Justice Division and the Department of Peacekeeping Operations of the Secretariat in view of the relevance of the protection of children's rights in peacekeeping operations, including the problems of children and youth as victims and perpetrators of crime in peace-building and post-conflict or other emerging situations.

D. Mechanisms for the implementation of technical advice and assistance projects

30. In accordance with articles 43, 44 and 45 of the Convention, the Committee on the Rights of the Child reviews the reports of States parties on the implementation of the Convention. According to article 44 of the Convention, these reports should indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the Convention.

31. States parties to the Convention are invited to provide in their initial and periodic reports comprehensive information, data and indicators on the implementation of the provisions of the Convention and on the use and application of the United Nations standards and norms in juvenile justice.[161]

32. As a result of the process of examining the progress made by States parties in fulfilling their obligations under the Convention, the Committee may make suggestions and general recommendations to the State party to ensure full compliance with the Convention (in accordance with article 45 (d) of the Convention). In order to foster the effective implementation of the Convention and to encourage international cooperation in the area of juvenile justice, the Committee transmits, as it may consider appropriate, to specialized agencies, the United Nations Children's Fund and other competent bodies any reports from States parties that contain a request, or indicate a need, for advisory services and technical assistance, together with observations and suggestions of the Committee, if any, on those requests or indications (in accordance with article 45 (b) of the Convention).

33. Accordingly, should a State party report and the review process by the Committee reveal any necessity to initiate reform in the area of juvenile justice, including through assistance by the United Nations technical advice and assistance programmes or those of the specialized agencies, the State party may request such assistance, including assistance from the Crime Prevention and Criminal Justice Division, the Centre for Human Rights and the United Nations Children's Fund.

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[161] See the general guidelines regarding the form and content of periodic reports to be submitted by States parties under article 44, paragraph 1 (b) of the Convention, adopted by the Committee at its 343rd meeting (thirteenth session), on 11 October 1996 (CRC/C/58); for a summary of discussion on the topic (the administration of juvenile justice) of the special thematic day of the Committee on the Rights of the Child, see the report of the Committee on its tenth session (Geneva, 30 October-17 November 19975) (CRC/C/46), pp. 33-39.

34. In order to provide adequate assistance in response to those requests, a coordination panel on technical advice and assistance in juvenile justice should be established, to be convened at least annually by the Secretary-General. The panel will consist of representatives of the Division, the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, the United Nations Children's Fund, the United Nations Development Programme, the Committee on the Rights of the Child, the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network and other relevant United Nations entities, as well as other interested intergovernmental, regional and non-governmental organizations, including international networks on juvenile justice and academic institutions involved in the provision of technical advice and assistance, in accordance with paragraph 39 below.

35. Prior to the first meeting of the coordination panel, a strategy should be elaborated for addressing the issue of how to activate further international cooperation in the field of juvenile justice. The coordination panel should also facilitate the identification of common problems, the compilation of examples of good practice and the analysis of shared experiences and needs, which in turn would lead to a more strategic approach to needs assessment and to effective proposals for action. Such a compilation would allow for concerted advisory services and technical assistance in juvenile justice, including an early agreement with the Government requesting such assistance, as well as with all other partners having the capacity and competence to implement the various segments of a country project, thus ensuring the most effective and problem-oriented action. This compilation should be developed continuously in close cooperation with all parties involved. It will take into account the possible introduction of diversion programmes and measures to improve the administration of juvenile justice, to reduce the use of remand homes and pre-trial detention, to improve the treatment of children deprived of their liberty and to create effective reintegration and recovery programmes.

36. Emphasis should be placed on formulating comprehensive prevention plans, as called for in the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines).[162] Projects should focus on strategies to socialize and integrate all children and young persons successfully, in particular through the family, the community, peer groups, schools, vocational training and the world of work. These projects should pay particular attention to children in need of special protection measures, such as children working or living on the streets or children permanently deprived of a family environment, children with disabilities, children of minorities, immigrants and indigenous peoples and other vulnerable groups of children. In particular, the placement of these children in institutions should be proscribed as much as possible. Measures of social protection should be developed in order to limit the risks of criminalization for these children.

37. The strategy will also set out a coordinated process for the delivery of international advisory services and technical assistance to States parties to the Convention, on the basis of joint missions to be undertaken, whenever appropriate, by staff of the different organizations and agencies involved, with a view to devising longer term technical assistance projects.

38. Important actors in the delivery of advisory services and technical assistance programmes at the country level are the United Nations resident coordinators, with significant roles to be played by the field offices of the Office of the United Nations High Commissioner for Human Rights/Centre for Human

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[162] General Assembly resolution 45/112, annex.

Rights, the United Nations Children's Fund and the United Nations Development Programme. The vital nature of the integration of juvenile justice technical cooperation in country planning and programming, including through the United Nations country strategy note, is emphasized.

39. Resources must be mobilized for both the coordinating mechanism of the coordination panel and regional and country projects formulated to improve observance of the Convention. Resources for those purposes (see paragraphs 34 to 38 above) will come either from regular budgets or from extrabudgetary resources. Most of the resources for specific projects will have to be mobilized from external sources.

40. The coordination panel may wish to encourage, and in fact be the vehicle for, a coordinated approach to resource mobilization in this area. Such resource mobilization should be on the basis of a common strategy as contained in a programme document drawn up in support of a global programme in this area. All interested United Nations bodies and agencies as well as non-governmental organizations that have a demonstrated capacity to deliver technical cooperation services in this area should be invited to participate in such a process.

E. Further considerations for the implementation of country projects

41. One of the obvious tenets in juvenile delinquency prevention and juvenile justice is that long-term change is brought about not only when symptoms are treated but also when root causes are addressed. For example, excessive use of juvenile detention will be dealt with adequately only by applying a comprehensive approach, which involves both organizational and managerial structures at all levels of investigation, prosecution and the judiciary, as well as the penitentiary system. This requires communication, inter alia, with and among police, prosecutors, judges and magistrates, authorities of local communities, administration authorities and with the relevant authorities of detention centres. In addition, it requires the will and ability to cooperate closely with each other.

42. To prevent further overreliance on criminal justice measures to deal with children's behaviour, efforts should be made to establish and apply programmes aimed at strengthening social assistance, which would allow for the diversion of children from the justice system, as appropriate, as well as improving the application of non-custodial measures and reintegration programmes. To establish and apply such programmes, it is necessary to foster close cooperation between the child justice sectors, different services in charge of law enforcement, social welfare and education sectors.

III. PLANS CONCERNED WITH CHILD VICTIMS AND WITNESSES

43. In accordance with the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,[163] States should undertake to ensure that child victims and witnesses are provided with appropriate access to justice and fair treatment, restitution, compensation and social assistance. If applicable, measures should be taken to prevent the settling of penal matters through compensation outside the justice system, when doing so is not in the best interests of the child.

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[163] General Assembly resolution 40/34, annex.

44. Police, lawyers, the judiciary and other court personnel should receive training in dealing with cases where children are victims. States should consider establishing, if they have not yet done so, specialized offices and units to deal with cases involving offences against children. States should establish, as appropriate, a code of practice for proper management of cases involving child victims.

45. Child victims should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm they have suffered.

46. Child victims should have access to assistance that meets their needs, such as advocacy, protection, economic assistance, counselling, health and social services, social reintegration and physical and psychological recovery services. Special assistance should be given to those children who are disabled or ill. Emphasis should be placed upon family- and community-based rehabilitation rather than institutionalization.

47. Judicial and administrative mechanisms should be established and strengthened where necessary to enable child victims to obtain redress through formal or informal procedures that are prompt, fair and accessible. Child victims and/or their legal representatives should be informed accordingly.

48. Access should be allowed to fair and adequate compensation for all child victims of violations of human rights, specifically torture and other cruel, inhuman or degrading treatment or punishment, including rape and sexual abuse, unlawful or arbitrary deprivation of liberty, unjustifiable detention and miscarriage of justice. Necessary legal representation to bring an action within an appropriate court or tribunal, as well as interpretation into the native language of the child, if necessary, should be available.

49. Child witnesses need assistance in the judicial and administrative processes. States should review, evaluate and improve, as necessary, the situation for children as witnesses of crime in their evidential and procedural law to ensure that the rights of children are fully protected. In accordance with the different law traditions, practices and legal framework, direct contact should be avoided between the child victim and the offender during the process of investigation and prosecution as well as during trial hearings as much as possible. The identification of the child victim in the media should be prohibited, where necessary to protect the privacy of the child. Where prohibition is contrary to the fundamental legal principles of Member States, such identification should be discouraged.

50. States should consider, if necessary, amendments of their penal procedural codes to allow for, inter alia, videotaping of the child's testimony and presentation of the videotaped testimony in court as an official piece of evidence. In particular, police, prosecutors, judges and magistrates should apply more child-friendly practices, for example, in police operations and interviews of child witnesses.

51. The responsiveness of judicial and administrative processes to the needs of child victims and witnesses should be facilitated by:

(a) Informing child victims of their role and the scope, timing and progress of the proceedings and of the disposition of their cases, especially where serious crimes are involved;

(b) Encouraging the development of child witness preparation schemes to familiarize children with the criminal justice process prior to giving evidence. Appropriate assistance should be provided to child victims and witnesses throughout the legal process;

(c) Allowing the views and concerns of child victims to be presented and considered at appropriate stages of the proceedings where their personal interests are affected, without prejudice to the accused and in accordance with the relevant national criminal justice system;

(d) Taking measures to minimize delays in the criminal justice process, protecting the privacy of child victims and witnesses and, when necessary, ensuring their safety from intimidation and retaliation.

52. Children displaced illegally or wrongfully retained across borders are as a general principle to be returned to the country of origin. Due attention should be paid to their safety, and they should be treated humanely and receive necessary assistance, pending their return. They should be returned promptly to ensure compliance with the Convention on the Rights of the Child. Where the Hague Convention on the Civil Aspects of International Child Abduction of 1980[164] or the Hague Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption of 1993, approved by the Hague Conference on Private International Law, the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of the Child are applicable, the provisions of these conventions with regard to the return of the child should be promptly applied. Upon the return of the child, the country of origin should treat the child with respect, in accordance with international principles of human rights, and offer adequate family-based rehabilitation measures.

53. The United Nations Crime Prevention and Criminal Justice Programme, including the institutes comprising the Programme network, the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, the United Nations Children's Fund, the United Nations Development Programme, the Committee on the Rights of the Child, the United Nations Educational, Scientific and Cultural Organization, the World Bank and interested non-governmental organizations should assist Member States, at their request, within the overall appropriations of the United Nations budgets or from extrabudgetary resources, in developing multidisciplinary training, education and information activities for law enforcement and other criminal justice personnel, including police officers, prosecutors, judges and magistrates.

1997/31. Victims of crime and abuse of power

The Economic and Social Council,

Bearing in mind General Assembly resolution 40/34 of 29 November 1985, in which the Assembly adopted the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,

Considering that the adoption of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power is an important landmark in international efforts to improve the treatment of victims,

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[164] United Nations, Treaty Series, vol. 1343, No. 22514.

Recalling that the General Assembly, in its resolution 40/34, called upon Member States to take the necessary steps to give effect to the provisions contained in the Declaration and urged United Nations entities, other intergovernmental organizations and non-governmental organizations to cooperate in the implementation of the provisions,

Mindful of the serious consequences of various forms of crimes, including those committed in cases of armed conflict or military occupation, for the victims,

Bearing in mind all relevant Security Council resolutions, particularly Security Council resolutions 687 (1991) of 3 April 1991, 688 (1991) of 5 April 1991, 827 (1993) of 25 May 1993 and 955 (1994) of 8 November 1994,

Taking into account section IV, paragraph 2, of its resolution 1995/27, of 24 July 1995 and its resolution 1996/14 of 23 July 1996, in which it noted the usefulness of the manuals published and disseminated by the Secretariat under the United Nations Crime Prevention and Criminal Justice Programme,

Taking also into account the recommendations of the Expert Group Meeting on Victims of Crime and Abuse of Power in the International Setting, held at Vienna from 18 to 22 December 1995,[165]

1. Takes note of the progress made in the work on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, as reflected in the note by the Secretary-General;[166]

2. Welcomes the establishment of a victim and witness unit as reported in the 1995 yearbook of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991;

3. Recommends that, during armed conflicts, the rights of victims as contained in relevant international law, in particular in international humanitarian law, should be rigorously enforced, that the universal adherence to the corresponding treaties and protocols be promoted and that proper consideration be given to those issues by the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and by the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994;

4. Welcomes the positive developments related to the work of the Preparatory Committee on the Establishment of an International Criminal Court and recommends that, in the statute and rules of procedure of the court, appropriate attention should be given to the principles contained in the Declaration;

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[165] E/CN.15/1996/16/Add.5.

[166] E/CN.15/1997/16 and Add.1.

5. Welcomes the fact that the Special Rapporteur of the Commission on Human Rights on extrajudiciary, summary or arbitrary executions has relied on the Declaration in accomplishing his task;

6. Urges Governments to make effective use of the provisions contained in the Declaration and, to that end, to provide for effective legislation and other mechanisms for their effective use and application, including access to justice and fair treatment, reparation, restitution and compensation, as well as physical, medical and social assistance;

7. Expresses its appreciation to the Governments of the Netherlands and the United States of America for having acted as host to two expert group meetings on victims of crime and abuse of power in the international setting, one organized by the United States Department of Justice at Tulsa, Oklahoma, from 10 to 12 August 1996 and the other organized by the Ministry of Justice of the Netherlands at The Hague from 5 to 7 March 1997;

8. Takes note of the results of those two expert group meetings, which proposed the elaboration of a manual as a strategic guide for policy makers and of a handbook as a resource tool for practitioners and other relevant parties;

9. Welcomes the invitation of the Government of the United States of America to act as host to a fourth expert group meeting, in 1997, in order to complete the work on the proposed handbook;

10. Requests the Secretary-General to seek the views of Member States on the proposed manual and proposed handbook and, drawing on the observations received, to finalize their texts for submission to the Commission on Crime Prevention and Criminal Justice at its seventh session;

11. Invites Governments to provide the Secretary-General with information on promising practices and legislation concerning victim-related issues with a view to establishing a database and a clearing house for the provision of a continuing service for governmental agencies and non-governmental organizations, as proposed by the above-mentioned expert group meetings;

12. Also invites Governments to make proposals regarding the elaboration of a plan of action with emphasis on the activities of the United Nations such as technical cooperation activities, so as to promote the effective use and application of the Declaration, as well as the use of the proposed manual and handbook, including new modalities for funding involving also the private sector and non-governmental organizations, such as the establishment of a foundation;

13. Requests relevant United Nations bodies, programmes and specialized agencies, the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, intergovernmental and non-governmental organizations and other entities to provide their substantive and technical contributions to such proposals, drawing also on work already done in that field, with a view to ensuring the integration and coordination of activities among the various parties involved;

14. Requests the Secretary-General to consult with the above-mentioned entities, as well as funding agencies and potential donor countries, on the desirability of establishing mechanisms to facilitate the coordination of technical cooperation initiatives to prevent victimization and assist victims of crime and abuse of power;

15. Reiterates the importance of technical cooperation in providing assistance to those Governments requesting it, as noted in the report of the Secretary-General on the use and application of the Declaration,[167] particularly in the form of advisory services, training and assistance in the review or promulgation of national legislation, and requests the Secretary-General to continue, drawing on extrabudgetary resources, providing such assistance in close collaboration with the Programme network;

16. Requests the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice on the implementation of the present resolution.

36th plenary meeting
21 July 1997

1997/32. United Nations standards and norms in crime prevention and criminal justice

The Economic and Social Council,

Bearing in mind General Assembly resolution 46/152 of 18 December 1991 on the creation of an effective United Nations crime prevention and criminal justice programme,

Reaffirming the importance of United Nations standards, norms and guidelines in crime prevention and criminal justice,

Recalling its resolution 1993/34 of 27 July 1993, in section III of which it requested the Secretary-General to commence without delay a process of information-gathering to be undertaken by means of surveys,

Recalling also its resolution 1996/16 of 23 July 1996, in which it requested the Secretary-General to continue to promote the use and application of United Nations standards and norms in crime prevention and criminal justice,

1. Invites Governments to promote and disseminate the Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice[168] in the languages of their countries;

2. Recommends that the relevant national authorities promote the use and application of United Nations standards and norms in crime prevention and criminal justice;

3. Invites Governments that have not yet replied to the questionnaires on the four standards in crime prevention and criminal justice referred to in Economic and Social Council resolution 1996/16, namely the Standard Minimum Rules for the Treatment of Prisoners,[169] the Code of Conduct for Law

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[167] E/CN.15/1996/16/Add.3.

[168] United Nations publication, Sales No. E.92.IV.1 and corrigendum.

[169] First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August-3 September 1955: report prepared by the Secretariat (United Nations publication, Sales No. 1956.IV.4), annex I, sect. A.

Enforcement Officials[170] together with the Basic Principles for the Use of Force and Firearms by Law Enforcement Officials,[171] the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,[172] and the Basic Principles on the Independence of the Judiciary,[173] to submit their replies in order to enable the Secretariat to summarize that information and to disseminate it through the World Wide Web database facility of the United Nations Crime and Justice Information Network;

4. Requests the Secretariat to prepare the relevant survey instruments on the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules),[174] the Guidelines on the Role of Prosecutors[175] and the Basic Principles on the Role of Lawyers[176] for submission to the Commission on Crime Prevention and Criminal Justice at its seventh session;

5. Calls upon Member States to consider making available funds for technical cooperation activities that are aimed at promoting the further use and application of United Nations standards and norms in crime prevention and criminal justice;

6. Recommends that the cooperation and coordination between the Crime Prevention and Criminal Justice Division and the Office of the United Nations High Commissioner for Human Rights be further improved, not only to avoid overlapping in the implementation of their programmes, but also to reinforce existing collaboration;

7. Requests the Secretary-General to convene a meeting of government experts in crime prevention and criminal justice, attending in their personal capacity, funded by extrabudgetary resources, to review the draft minimum rules for the administration of criminal justice, without prejudice to the future work of the Commission on Crime Prevention and Criminal Justice, paying special attention to the following:

(a) Whether those draft minimum rules duplicate or contradict existing conventions or standards and norms in crime prevention and criminal justice;

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[170] General Assembly resolution 34/169, annex.

[171] Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.2, annex.

[172] General Assembly resolution 40/34, annex.

[173] Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.I.1), chap. I, sect. D.2, annex.

[174] General Assembly resolution 45/110, annex.

[175] Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. C.26, annex.

[176] Ibid., chap. I, sect. B.3, annex.

(b) The necessity of elaborating such an instrument;

(c) The diversity of legal systems and practices in each Member State.

36th plenary meeting
21 July 1997

1997/33. Elements of responsible crime prevention: standards and norms

The Economic and Social Council,

Recalling General Assembly resolution 46/152 of 18 December 1991 on the creation of an effective United Nations crime prevention and criminal justice programme,

Recalling its resolution 1992/22 of 30 July 1992 on the implementation of General Assembly resolution 46/152 concerning operational activities and coordination in the field of crime prevention and criminal justice, in section VI of which it determined that crime prevention in urban areas and juvenile and violent criminality would be one of the priority themes that should guide the Commission on Crime Prevention and Criminal Justice in the development of a detailed programme,

Recalling also its resolution 1995/9 of 24 July 1995 on guidelines for the prevention of urban crime,

Taking into account the fact that a growing and undermining criminality highlights the inadequacy of conventional criminal policies and the need to urgently devise preventive approaches,

Considering that the challenge and magnitude of modern crime, including organized crime, combined with the insufficient resources of the criminal justice system, for example the overpopulation of prisons and overburdened criminal justice systems, reinforce the need for non-repressive crime prevention,

Considering that an international effort is necessary to develop an effective strategy on responsible crime prevention,

1. Takes note of the preliminary draft of elements of responsible crime prevention: standards and norms annexed to the present resolution;

2. Requests the Secretary-General to seek comments from Member States, relevant intergovernmental and non-governmental organizations, as well as the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, on the annex to the present resolution, including the advisability of elaborating such an instrument;

3. Also requests the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice, at a future session, on the comments received;

4. Further requests the Secretary-General to organize, drawing upon extrabudgetary funds, an ad hoc expert group meeting to examine the comments, to

elaborate proposals for further action and to report thereon to the Commission on Crime Prevention and Criminal Justice;

5. Urges Member States and relevant intergovernmental and non-governmental organizations, as well as the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to extend to the Secretary-General their full support in implementing the present resolution.

36th plenary meeting
21 July 1997

Annex

ELEMENTS OF RESPONSIBLE CRIME PREVENTION: STANDARDS AND NORMS

I. THE CONCEPT OF CRIME PREVENTION

1. The prevention of crime through non-punitive measures is to be considered an important complement to the administration of criminal law. It constitutes a legitimate response by society to threats to the safety of citizens posed by criminal acts.

2. The concept of crime prevention should not be limited to conventional forms of crime, including domestic violence, but should encompass new forms of crime, such as organized crime, terrorism, illegal trafficking in migrants, computer and cybercrimes, environmental crime, corruption and illegal commerce related to the acquisition and development of weapons of mass destruction.

3. The concept of crime prevention should take into account the growing internationalization of criminal activities and the relationship between the global economy, advanced technologies and national phenomena of crime, with special consideration for developing countries.

II. RESPONSIBLE CRIME PREVENTION

4. Under all circumstances measures of crime prevention should be carried out in strict conformity with the relevant provisions of international law and international standards of human rights.

5. Crime prevention should respect principles such as the rule of law, the protection of individual rights and freedoms, the principle of equality before the law and due process.

6. Whenever preventive measures are adopted which do not infringe upon the principles set out in paragraphs 4 and 5 above but affect human rights, they have to be implemented in strict accordance with the principle of the rule of law and of proportionality.

7. If the impact of a preventive measure on human rights is comparable to a penal measure, the same legal guarantees, including controls by the courts or by an ombudsman, should be provided for.

8. Measures which touch upon the rights of those who are considered to be at risk of becoming offenders should be handled in strict accordance with the principles set out in paragraphs 4 and 5 above [with great restraint].

Prediction of future criminality at the individual level requires a high degree of caution and stigmatization should be avoided. However, this should not obviate the development of secondary prevention programmes for persons with known risk factors.

9. In the planning and implementation of preventive measures, affirmative action may play a role but discrimination should always be avoided.

10. If the police are a partner in the implementation of prevention programmes, their participation should not be hidden and any confusion of roles should be avoided. Data collected in relation to prevention programmes should be used for criminal investigation of serious crime only.

11. The limits within which the private security sector may act should be defined by law. The private security sector, in accordance with human rights standards, should not exercise any function which, by its nature, is incompatible with the rule of law and the principle that the use of force is reserved for the State.

12. Codes of conduct for public officials and other persons involved are useful supplements to legal regulations in order to reduce the risks connected with preventive measures.

13. Preventive measures that do not in any way affect the rights of individuals need little legal regulation. Over-regulation in this respect would unduly limit the development of these types of measures.

III. THE PROMOTION OF RESPONSIBLE CRIME PREVENTION

14. Governments should take appropriate steps to promote and to regulate crime prevention through the establishment of special councils or other agencies, the provisions for funding, and the dissemination of information. Crime prevention programmes should be developed and implemented in collaboration with the police, municipalities, the private sector and other interested parties in a manner that clearly sets objectives and defines roles.

15. Crime prevention strategies at the national, local and community levels should also address the root causes of crime through social, economic, public health and educational policies. Where appropriate, crime prevention programmes should be linked to comprehensive programmes addressing social marginalization and exclusion.

16. Community-based programmes of crime prevention that include the active participation of citizens, the business sector, the police and other relevant parties should be encouraged and developed. These programmes should avoid activities with the potential to affect the rights of others.

17. Crime prevention targeting groups at risk of becoming offenders, especially youth, should be promoted and should include educational opportunities, employment, housing and leisure facilities. These measures should avoid stigmatization of the target groups.

18. Where necessary, educational support, such as instruction in parental skills, and special medical care, should be offered as early as possible to families with children at risk. Steps should be taken to ensure that these provisions do not stigmatize the clients or infringe upon their rights.

19. Situational crime prevention programmes should be developed, to include target hardening, environmental design and surveillance. These programmes should not unduly reduce the quality of the built environment or limit free access to the public domain or public facilities.

20. Victim-oriented crime prevention consisting of, inter alia, the provision of information and advice to potential victims, should be promoted. Steps should be taken to avoid the undue rise of fear of crime or the stigmatization of the target groups.

21. Victims of crime should be offered protection, where necessary, and should be informed of possible ways to reduce the risks of future victimization, with due consideration for the rights of offenders. Due regard should be given to how to avoid the tendency to blame the victim, as well as reparation by the offender.

22. To promote prevention, provisions should be made available or strengthened for out-of-court mediation in appropriate penal matters, if this option is foreseen in national legislation. Procedures should comply with the principles of due process.

23. Research on crime prevention, including evaluation studies, should be promoted, taking into account the interests and rights of all parties involved. The international exchange of information on best practices, in terms of both effectiveness and respect for human rights, should be facilitated.

1997/34. Implementation of the United Nations Declaration on Crime and Public Security

The Economic and Social Council,

Recalling General Assembly resolution 51/60 of 12 December 1996, in which the Assembly, convinced that the adoption of a declaration on crime and public security would contribute to the enhancement of the struggle against serious transnational crime, approved the United Nations Declaration on Crime and Public Security,

Noting that the General Assembly, in its resolution 51/60, urged Member States to make every effort to ensure that the Declaration became generally known and was observed and implemented in full in accordance with their respective national legislation,

Noting also that the General Assembly, in its resolution 51/60, invited the Secretary-General to inform all States and the relevant specialized agencies and organizations of the adoption of the Declaration,

1. Welcomes the report of the Secretary-General on technical cooperation and coordination of activities[177] setting forth the information provided to date by Member States on their efforts to observe and implement in full General Assembly resolution 51/60 and the United Nations Declaration on Crime and Public Security in accordance with their national legislation;

2. Requests the Secretary-General, utilizing a questionnaire or other means to ensure standardized responses, to seek from Member States, as well as

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[177] E/CN.15/1997/17.

any interested intergovernmental organizations or United Nations institutes, information related to the implementation of the Declaration, including in particular in the case of Member States the following:

(a) A summary of existing legislation and pending legislative proposals to combat serious transnational crime, including organized crime, illicit drug and arms trafficking, smuggling of other illicit articles, organized trafficking in persons, terrorist crimes and the laundering of proceeds from serious crimes;

(b) A summary of bilateral, regional, multilateral and global extradition, mutual legal assistance and other types of law enforcement cooperation arrangements;

(c) A summary of involvement or participation in law enforcement training and education activities at the international level;

(d) A status report on adherence to the principal existing international treaties relating to various aspects of the problem of international terrorism and to the international drug control conventions;

(e) A summary of existing or proposed victim assistance programmes or systems;

(f) A summary of existing or proposed legislation to combat the transnational flow of the proceeds of serious transnational crime, including measures to require adequate record-keeping and reporting of suspicious transactions by financial and related institutions, to permit the seizure and forfeiture of the proceeds of crime, to limit the application of any bank secrecy laws with respect to criminal operations and to obtain the cooperation of financial institutions in detecting any operations that may be used for money laundering;

(g) A summary of measures undertaken to combat and prohibit corruption and bribery;

3. Urges all Member States to respond fully to the request by the Secretary-General for information on their efforts to implement the Declaration, either in their initial responses if they have not yet responded or, if necessary, in an amended version of any previous response;

4. Recognizes that the Crime Prevention and Criminal Justice Division of the Secretariat should continue to provide technical assistance to Member States in their efforts to implement the Declaration, drawing on extrabudgetary resources;

5. Requests the Secretary-General to compile the responses received for submission as a report to the Commission on Crime Prevention and Criminal Justice at its eighth session, if possible within existing resources;

6. Decides that the Declaration should be included in the Compendium of Standards and Norms in Crime Prevention and Criminal Justice[178] when the Compendium is next published in any of the official languages of the United Nations;

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[178] United Nations publication, Sales No. E.92.IV.1 and corrigendum.

7. Invites Member States to give serious consideration, in their efforts to implement the Declaration, to the means and methods for combating organized transnational crime set forth in the forty recommendations endorsed by the Senior Experts Group on Transnational Organized Crime at Lyon, France, in June 1996;[179]

8. Decides that the Commission on Crime Prevention and Criminal Justice, at its eighth session, should review the report of the Secretary-General and should continue to consider the implementation of the Declaration.

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1997/35. Technical cooperation and international advisory services in crime prevention and criminal justice

The Economic and Social Council,

Recalling General Assembly resolution 51/63 of 12 December 1996 on strengthening the United Nations Crime Prevention and Criminal Justice Programme, particularly its technical cooperation capacity,

Recalling also its resolution 1995/15 of 24 July 1995 and resolution 5/2 of 31 May 1996 of the Commission on Crime Prevention and Criminal Justice, on technical cooperation and interregional advisory services in crime prevention and criminal justice,[180]

Stressing the direct relevance of crime prevention and criminal justice to sustained development, stability, improved quality of life, democracy and human rights, which is increasingly recognized by other United Nations entities, specialized agencies and international organizations,

Aware of the continued increase of requests for technical assistance forwarded to the Crime Prevention and Criminal Justice Division of the Secretariat by least developed countries, developing countries, countries with economies in transition and countries emerging from conflict,

1. Commends the efforts of the Crime Prevention and Criminal Justice Division of the Secretariat, in cooperation with the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network and others, in responding to the increasing requests for assistance, as reported by the Secretary-General,[181] and expresses appreciation for the operationalization of the Programme, including the elaboration of a number of important project proposals that urgently require new funding;

2. Welcomes the work done by the informal consultative group on resource mobilization in accordance with resolution 5/3 of 31 May 1996 of the Commission on Crime Prevention and Criminal Justice;[180]

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[179] See resolution 1997/22, annex I.

[180] Official Records of the Economic and Social Council, 1996, Supplement No. 10 (E/1996/30), chap. I, sect. D.

[181] E/CN.15/1997/17.

3. *Commends* the increased cooperation between the Crime Prevention and Criminal Justice Division, the United Nations Crime Prevention and Criminal Justice Programme network and other entities of the United Nations, in particular the United Nations Development Programme, the Department of Economic and Social Affairs of the Secretariat and the Office of the United Nations High Commissioner for Human Rights, and calls upon those entities, together with the World Bank and other international, regional and national funding agencies, to support technical cooperation activities devoted to crime prevention and criminal justice as a means of guaranteeing effective and sustainable development, utilizing the expertise of the United Nations Crime Prevention and Criminal Justice Programme;

4. *Welcomes* the cooperation between the Crime Prevention and Criminal Justice Division and the United Nations International Drug Control Programme, particularly in the area of action against money laundering, and calls upon the two programmes to continue undertaking joint activities, particularly the elaboration and execution of technical cooperation projects;

5. *Expresses its concern* at the lack of adequate resources, which may impede progress in the further operationalization of the United Nations Crime Prevention and Criminal Justice Programme and hamper the implementation of those projects that have so far been elaborated in response to urgent requests from countries in need;

6. *Expresses its appreciation* to those Member States that contribute to the activities of the United Nations Crime Prevention and Criminal Justice Programme by providing funding, the services of associate experts, consultants and experts for training purposes, advisory missions and the implementation of technical assistance projects, by developing training manuals and other material, by offering fellowship opportunities and by hosting action-oriented workshops and expert group meetings;

7. *Calls upon* potential donors and relevant funding agencies to make significant and regular financial and/or other contributions for the formulation, coordination and implementation of technical assistance projects elaborated within the framework of the United Nations Crime Prevention and Criminal Justice Programme and to strengthen the mandated role of the Programme as facilitator of bilateral assistance;

8. *Invites* developing countries and countries with economies in transition to include in their requests for assistance from the United Nations Development Programme, in particular as part of its country programme framework, projects and/or elements on crime prevention and criminal justice, with a view to upgrading national institutional capacity and professional expertise in that field;

9. *Requests* the Secretary-General, bearing in mind the plan for strategic management of the Commission on Crime Prevention and Criminal Justice, in accordance with Commission resolutions 1/1 of 29 April 1992[182] and 4/3 of 9 June 1995,[183] to further enhance the resources required for the operational activities of the United Nations Crime Prevention and Criminal Justice

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[182] *Official Records of the Economic and Social Council, 1992, Supplement No. 10* (E/1992/30), chap. I.

[183] Ibid., *1995, Supplement No. 11* (E/1995/30), chap. I, sect. D.

Programme, including travel funds for the mobilization of resources and special efforts for fund-raising;

10. Also requests the Secretary-General to include in his programme budget proposals for the biennium 1998-1999, under the section on technical cooperation, adequate funds for maintaining two posts of interregional advisers in crime prevention and criminal justice and for further strengthening the interregional advisory services to support technical assistance activities, including short-term advisory services, needs assessments, feasibility studies, field projects, training and fellowships.

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1997/36. International cooperation for the improvement of prison conditions

The Economic and Social Council,

Gravely alarmed by the serious problem confronting many Member States as a result of prison overcrowding,

Convinced that conditions in overcrowded prisons may affect the human rights of prisoners,

Bearing in mind the Standard Minimum Rules for the Treatment of Prisoners,[184] adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders and approved by the Economic and Social Council in its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977,

Recalling General Assembly resolution 45/111 of 14 December 1990, adopted on the recommendation of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in which the Assembly affirmed the Basic Principles for the Treatment of Prisoners, annexed to that resolution,

Recognizing that prison overcrowding requires the implementation of effective policies directed towards the rehabilitation of prisoners and their social reintegration, as well as the application of the Standard Minimum Rules for the Treatment of Offenders and the Basic Principles on the Treatment of Prisoners,

Mindful of the fact that the physical and social conditions associated with prison overcrowding may result in outbreaks of violence in prisons, a development that could pose a grave threat to law and order,

Recalling the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules),[185]

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[184] First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August-3 September 1955: report prepared by the Secretariat (United Nations publication, Sales No. E.56.IV.4), annex I.A.

[185] General Assembly resolution 45/119, annex.

Recalling the resolutions on the conditions of prisoners adopted by United Nations congresses on the prevention of crime and the treatment of offenders, in particular resolution 16 on reduction of the prison population, alternatives to imprisonment and social integration of offenders and resolution 17 on the human rights of prisoners, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,[186]

Noting the resolution adopted at the seminar entitled "Criminal justice: the challenge of prison overcrowding", organized by the Latin American Institute for the Prevention of Crime and the Treatment of Offenders, with the support of the European Commission, and held at San José, Costa Rica, from 3 to 7 February 1997, in which it was recommended, inter alia, that the number of prisoners should not exceed the number that could be held in decent conditions,

Noting the Kampala Declaration on Prison Conditions in Africa, annexed to the present resolution,

Also noting the nomination of a special rapporteur on prisons in Africa by the African Commission on Human and Peoples' Rights, in accordance with recommendations contained in the Kampala Declaration,

Mindful that many Member States lack the necessary resources to resolve the problem of prison overcrowding,

1. Requests the Secretary-General to assist countries, at their request, and within existing resources or, where possible, funded by extrabudgetary resources if available, countries in the improvement of their prison conditions in the form of advisory services, needs assessment, capacity-building and training;

2. Invites other entities of the United Nations system, including the United Nations Development Programme and the United Nations Crime Prevention and Criminal Justice Programme network, as well as intergovernmental organizations, to assist the Secretary-General in implementing the request contained in paragraph 1 above;

3. Urges Member States, if they have not yet done so, to introduce appropriate alternatives to imprisonment in their criminal justice systems;[187]

4. Recommends that Member States, if they have not yet done so, adopt appropriate effective measures to reduce pre-trial detention;

5. Invites international and regional financial institutions such as the World Bank and the International Monetary Fund to incorporate in their technical assistance programmes measures to reduce prison overcrowding, including the construction of adequate infrastructure and the development of alternatives to imprisonment in their criminal justice systems;

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[186] Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. E.

[187] See the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) (General Assembly resolution 45/110, annex) and Human Rights Pre-trial Detention: A Handbook of International Standards relating to Pre-trial Detention (United Nations publication, Sales No. E.94.XIV.6).

6. *Requests* the Commission on Crime Prevention and Criminal Justice to discuss the issue of prison overcrowding in the context of technical cooperation at its eighth session, with a view to achieving greater international cooperation in that area;

7. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its eighth session on the implementation of the present resolution.

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Annex

KAMPALA DECLARATION ON PRISON CONDITIONS IN AFRICA

Prison conditions

Considering that in many countries in Africa the level of overcrowding in prisons is inhuman, that there is a lack of hygiene, insufficient or poor food, difficult access to medical care, a lack of physical activities or education, as well as an inability to maintain family ties,

Bearing in mind that any person who is denied freedom has a right to human dignity,

Bearing in mind that the universal norms on human rights place an absolute prohibition on torture of any description,

Bearing in mind that some groups of prisoners, including juveniles, women, the old and the mentally and physically ill, are especially vulnerable and require particular attention,

Bearing in mind that juveniles must be separated from adult prisoners and that they must be treated in a manner appropriate to their age,

Remembering the importance of proper treatment for female detainees and the need to recognize their special needs,

The participants in the International Seminar on Prison Conditions in Africa,[188] *held at Kampala from 19 to 21 September 1996, recommend*:

1. That the human rights of prisoners should be safeguarded at all times and that non-governmental agencies should have a special role in this respect,

2. That prisoners should retain all rights which are not expressly taken away by the fact of their detention,

3. That prisoners should have living conditions which are compatible with human dignity,

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[188] The seminar was co-organized by Prison Reform International and the African Commission on Human and Peoples' Rights, in partnership with the Foundation for Human Rights Initiative and the Government of Uganda through the Prisons Department, and with the participation of the International Committee of the Red Cross and International Prisons Watch.

4. That conditions in which prisoners are held and the prison regulations should not aggravate the suffering already caused by the loss of liberty,

5. That the detrimental effects of imprisonment should be minimized so that prisoners do not lose their self-respect and sense of personal responsibility,

6. That prisoners should be given the opportunity to maintain and develop links with their families and the outside world,

7. That prisoners should be given access to education and skills training in order to make it easier for them to reintegrate into society after their release,

8. That special attention should be paid to vulnerable prisoners and that non-governmental organizations should be supported in their work with these prisoners,

9. That all the norms of the United Nations and the African Charter on Human and Peoples' Rights on the treatment of prisoners should be incorporated into national legislation in order to protect the human rights of prisoners,

10. That the Organization of African Unity and its member States should take steps to ensure that prisoners are detained in the minimum conditions of security necessary for public safety.

Remand prisoners

Considering that in most prisons in Africa a great proportion of prisoners are awaiting trial, sometimes for several years,

Considering that for this reason the procedures and policies adopted by the police, the prosecuting authorities and the judiciary can significantly influence prison overcrowding,

The participants in the International Seminar on Prison Conditions in Africa, held at Kampala from 19 to 21 September 1996, recommend:

1. That the police, the prosecuting authorities and the judiciary should be aware of the problems caused by prison overcrowding and should join the prison administration in seeking solutions to reduce this,

2. That judicial investigations and proceedings should ensure that prisoners are kept in remand detention for the shortest possible period, avoiding, for example, continual remands in custody by the court,

3. That there should be a system for regular review of the time detainees spend on remand.

Prison staff

Considering that any improvement in conditions for prisoners will be dependent on staff having pride in their work and a proper level of competence,

Bearing in mind that this will only happen if staff are properly trained, The participants in the International Seminar on Prison Conditions in Africa, held at Kampala from 19 to 21 September 1996, recommend:

1. That there should be a proper career structure for prison staff,

2. That all prison personnel should be linked to one government ministry and that there should be a clear line of command between central prison administration and the staff in prisons,

3. That the State should provide sufficient material and financial resources for staff to carry out their work properly,

4. That in each country there should be an appropriate training programme for prison staff to which the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI) should be invited to contribute,

5. That there should be a national or subregional institution to deliver this training programme,

6. That the penitentiary administration should be directly involved in the recruitment of prison staff.

Alternative sentencing

Noting that in an attempt to reduce prison overcrowding, some countries have been trying to find a solution through amnesties, pardons or by building new prisons,

Considering that overcrowding causes a variety of problems including difficulties for overworked staff,

Taking into account the limited effectiveness of imprisonment, especially for those serving short sentences, and the cost of imprisonment to the whole of society,

Considering the growing interest in African countries in measures which replace custodial sentences, especially in the light of human rights principles,

Considering that community service and other non-custodial measures are innovative alternatives to imprisonment and that there are promising developments in Africa in this regard,

Considering that compensation for damage done is an important element of non-custodial sentences,

Considering that legislation can be introduced to ensure that community service and other non-custodial measures will be imposed as an alternative to imprisonment,

The participants in the International Seminar on Prison Conditions in Africa, held at Kampala from 19 to 21 September 1996, recommend:

1. That petty offences should be dealt with according to customary practice, provided this meets human rights requirements and that those involved so agree,

2. That whenever possible petty offences should be dealt with by mediation and should be resolved between the parties involved without recourse to the criminal justice system,

3. That the principle of civil reparation or financial recompense should be applied, taking into account the financial capability of the offender or of his or her parents,

4. That the work done by the offender should if possible recompense the victim,

5. That the community service and other non-custodial measures should if possible be preferred to imprisonment,

6. That there should be a study of the feasibility of adapting successful African models of non-custodial measures and applying them in countries where they are not yet being used,

7. That the public should be educated about the objectives of these alternatives and how they work.

African Commission on Human and Peoples' Rights

Considering that the African Commission on Human and Peoples' Rights has the mandate to ensure the promotion and the protection of human and peoples' rights in Africa,

Considering that the Commission has shown on many occasions its special concern on the subject of poor prison conditions in Africa and that it has adopted special resolutions and decisions on this question previously,

The participants in the International Seminar on Prison Conditions in Africa, held at Kampala from 19 to 21 September 1996, recommend that the African Commission on Human and Peoples' Rights:

1. Should continue to attach priority to the improvement of prison conditions throughout Africa,

2. Should nominate a Special Rapporteur on Prisons in Africa as soon as possible,

3. Should make the Member States aware of the recommendations contained in this Declaration and publicize United Nations and African norms and standards on imprisonment,

4. Should cooperate with non-governmental organizations and other qualified institutions in order to ensure that the recommendations of this Declaration are implemented in all the Member States.

1997/37. *Review of the United Nations International Drug Control Programme: strengthening the United Nations machinery for international drug control within the scope of the existing international drug control treaties and in accordance with the basic principles of the Charter of the United Nations*

The Economic and Social Council,

Recalling the special session of the General Assembly devoted to the question of international cooperation against illicit production, supply, demand, trafficking and distribution of narcotic drugs and psychotropic substances and the adoption by the Assembly, on 23 February 1990, during that special session, of the Political Declaration and Global Programme of Action,[189] including the proclamation of the period from 1991 to 2000 as the United Nations Decade against Drug Abuse,

Taking note of the existing international drug control treaties, the Global Programme of Action and the United Nations System-wide Action Plan on Drug Abuse Control,[190] which contain a sound and comprehensive framework for drug control activities by States and all the relevant international organizations, and stressing the need for consistency in efforts to implement those activities,

Recalling General Assembly resolution 45/179 of 21 December 1990, by which the Assembly established the United Nations International Drug Control Programme as the single body with the exclusive responsibility for coordinating all drug control activities within the United Nations system and for providing effective leadership in promoting international cooperation in drug control, thereby producing a catalytic impact on other international and national bodies,

Recognizing with appreciation the valuable work done by the International Narcotics Control Board in encouraging Member States to adhere to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988[191] and to ensure the comprehensive implementation of the provisions of that Convention,

Recognizing that Governments have the main responsibility for implementing the international drug control treaties, and emphasizing that the United Nations system has an important role in strengthening the national capacity to do so,

Deeply alarmed by the magnitude of the increasingly rising trend in the illicit production, supply, demand, trafficking and distribution of narcotic drugs and psychotropic substances, which are a grave and persistent threat to the health and well-being of millions of people, youth in particular, in all countries of the world,

Noting that contributions to the United Nations International Drug Control Programme have hitherto been made by a limited number of States, and that the future of the Programme depends on the retention of existing donors and an enhanced donor base,

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[189] See General Assembly resolution S-17/2, annex.

[190] See A/49/139-E/1994/57.

[191] *Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988*, vol. I (United Nations

Expressing appreciation to donors for their contributions, which have been essential to the growth of the Programme as a centre of excellence,

Recognizing that to maintain and enhance its activities, the Programme depends on general-purpose funds as well as earmarked funds,

Recognizing that the provision of appropriate and sufficient policy guidance is essential to the success of the Programme, and recalling Economic and Social Council resolution 1991/38 of 21 June 1991, in which the Council called upon the Commission on Narcotic Drugs to give policy guidance to the Programme and to monitor its activities,

Taking note of the progress of the ad hoc open-ended informal inter-sessional working group established by the Commission at its thirty-ninth session for the purpose of considering options for improving the work of the Commission and its subsidiary bodies, in particular its agenda and organization, and of examining the role of the Commission as the governing body of the Programme, as well as possible options designed to enhance active participation by more Member States,

Recalling General Assembly resolution 51/64 of 12 December 1996, in which the Assembly decided to convene a special session in June 1998 to consider, *inter alia*, special measures to strengthen international cooperation in addressing the problem of illicit drugs,

1. Recognizes that the extraordinary and unrelentingly high levels of illicit use, cultivation, production and distribution of narcotic drugs and psychotropic substances and of illicit drug-trafficking necessitate a comprehensive review of the international drug control machinery in place, including institutional arrangements and approaches in the light of the work of the task force on reform of the United Nations established by the Secretary-General, giving due consideration to questions of governance and improved policy guidance from Member States, particularly with reference to the threat to the security of States arising from the use, consumption and production of and trafficking in illicit drugs;

2. Concludes that the general decline in resources allocated to the United Nations International Drug Control Programme from both regular and extrabudgetary sources seriously impairs the efforts of the international community against illicit trafficking in and abuse of narcotic drugs and psychotropic substances, and requires innovative solutions for funding;

3. Reaffirms the leadership role of the Programme as the main focus for concerted international action for drug abuse control and as the international coordinator of drug control activities, particularly within the United Nations system;

4. Requests the Secretary-General:

(a) To convene a small group of experts, selected after appropriate consultations, *inter alia*, with Governments, and with due regard to equitable geographical distribution and relevant sectoral expertise, to undertake a comprehensive review of how the efforts against illicit drugs have evolved within the United Nations system since the creation of the United Nations

International Drug Control Programme pursuant to General Assembly resolution 45/179, with the aim of identifying measures to strengthen future international cooperation against illicit drugs;

(b) To instruct the expert group, inter alia, to identify any measures necessary to strengthen the core activities of the Programme, taking into account the work of the task force on reform of the United Nations established by the Secretary-General and the ability of the United Nations system to perform its increasing tasks in the light of existing mandates;

(c) To prepare a progress report on the issues identified by the expert group, to be submitted to the General Assembly at its special session devoted to the fight against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities, to be held in June 1998;

(d) To prepare a final report based on the work of the expert group, taking into account the views expressed during the special session of the General Assembly, on how to strengthen the United Nations machinery for international drug control, to be submitted to the Commission on Narcotic Drugs at its forty-second session;

5. Decides that the work of the expert group should be financed entirely through voluntary funds, and urges Member States to provide financial and other support.

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1997/38. Demand for and supply of opiates for medical and scientific needs

The Economic and Social Council,

Recalling its resolutions 1979/8 of 9 May 1979, 1980/20 of 30 April 1980, 1981/8 of 6 May 1981, 1982/12 of 30 April 1982, 1983/3 of 24 May 1983, 1984/21 of 24 May 1984, 1985/16 of 28 May 1985, 1986/9 of 21 May 1986, 1987/31 of 26 May 1987, 1988/10 of 25 May 1988, 1989/15 of 22 May 1989, 1990/31 of 24 May 1990, 1991/43 of 21 June 1991, 1992/30 of 30 July 1992, 1993/37 of 27 July 1993, 1994/5 of 20 July 1994, 1995/19 of 24 July 1995 and 1996/19 of 23 July 1996,

Emphasizing that the need to balance the global licit supply of opiates against the legitimate demand for opiates for medical and scientific purposes is central to the international strategy and policy of drug abuse control,

Noting the fundamental need for international cooperation and solidarity with the traditional supplier countries in drug abuse control in general and in the universal application of the provisions of the Single Convention on Narcotic Drugs of 1961[192] in particular,

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[192] United Nations, Treaty Series, vol. 520, No. 7515.

Having considered the Report of the International Narcotics Control Board for 1996,[193] in which it is stated that in 1995 global consumption of opiates exceeded the production of opiate raw materials, and noting that efforts were made by the two traditional supplier countries, India and Turkey, to maintain, together with other producing countries, the balance between supply and demand,

Noting the importance of opiates in pain relief therapy as advocated by the World Health Organization,

1. Urges all Governments to continue contributing to the maintenance of a balance between the licit supply of and demand for opiates for medical and scientific needs, the achievement of which would be facilitated by maintaining, insofar as their constitutional and legal systems permit, support to the traditional supplier countries, and to cooperate in preventing the proliferation of sources of production and manufacture for export;

2. Urges Governments of all producing countries to adhere strictly to the provisions of the Single Convention on Narcotic Drugs of 1961, and to take effective measures to prevent illicit production or diversion of opiate raw materials to illicit channels;

3. Urges consumer countries to assess their needs for opiates realistically, and to communicate those needs to the International Narcotics Control Board, in order to ensure easy supply;

4. Commends the Board for its efforts in monitoring the implementation of the relevant Economic and Social Council resolutions and, in particular:

(a) In urging the Governments concerned to adjust global production of opiate raw materials to a level corresponding to actual licit needs and to avoid unforeseen imbalances between licit supply of and demand for opiates caused by the sales of products manufactured from seized and confiscated drugs;

(b) In arranging informal meetings during sessions of the Commission on Narcotic Drugs with the main States importing and producing opiate raw materials;

5. Requests the Secretary-General to transmit the present resolution to all Governments for consideration and implementation.

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1997/39. Baku Accord on Regional Cooperation against Illicit Cultivation, Production, Trafficking, Distribution and Consumption of Narcotic Drugs and Psychotropic Substances and Their Precursors

The Economic and Social Council,

Convinced that the Baku Accord on Regional Cooperation against Illicit Cultivation, Production, Trafficking, Distribution and Consumption of Narcotic Drugs and Psychotropic Substances and Their Precursors will contribute to the enhancement of the struggle against illicit trafficking in drugs,

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[193] United Nations publication, Sales No. E.97.XI.3.

1. Takes note of the Baku Accord on Regional Cooperation against Illicit Cultivation, Production, Trafficking, Distribution and Consumption of Narcotic Drugs and Psychotropic Substances and Their Precursors, the text of which is annexed to the present resolution;

2. Urges Member States, in accordance with the provisions of the Baku Accord, to take all appropriate measures at the national and international levels to continue to combat the illicit traffic in narcotic drugs and psychotropic substances in all its forms;

3. Invites the Secretary-General to inform all Member States, relevant specialized agencies and entities of the United Nations system and other intergovernmental organizations of the adoption of the Baku Accord;

4. Urges Member States to take, as appropriate, all necessary measures to implement the Baku Accord in accordance with their national legislation;

5. Invites Member States to promote public campaigns, including the use of the mass media, to enhance public awareness of drug abuse and drug prevention programmes.

ANNEX

Baku Accord on Regional Cooperation against Illicit Cultivation, Production, Trafficking, Distribution and Consumption of Narcotic Drugs and Psychotropic Substances and Their Precursors

A. Nature and extent of the problem

1. The Subcommission on Illicit Drug Traffic and Related Matters in the Near and Middle East opened its thirty-second session at Baku on 17 February 1997 with an expanded membership, better representing the diverse character of the region as a whole and of its subregions, and affording greater possibilities for more in-depth discussion of the illicit drug-trafficking situation and its impact on the region, and of new cooperative modalities for effective counteraction. The new composition of the Subcommission is indicative of global developments in illicit drug-trafficking, which are reflected in conditions in some States in the Near and Middle East.

2. The expanding and complex system of global organized drug crime, involving cultivation, production, trafficking, distribution and consumption activities, which penetrate various sectors, has already left its mark on the region. Associated criminal activities, especially narcotics-related terrorism and the arms trade, have assumed alarming proportions in spite of law enforcement efforts.

3. The consequences of illicit drug-trafficking in the Near and Middle East are a mirror image of developments at the global level, characterized by the erosion of the hard-won benefits of development, the diversion of some countries from their developmental path, the destabilization of the socio-economic order, the destruction of the moral and social fabric of society and the undermining of the quality of life of the peoples of the region.

4. As the illicit traffic in and abuse of narcotic drugs and psychotropic substances are serious and growing concerns in the region, the development of an accurate annual estimate of the situation and trends is essential to the

successful development and implementation of regional strategies and subregional programmes. An accurate assessment of the magnitude and dimensions of the illicit drug problem in the region is the necessary starting point for both rational policy-making and the promotion of public awareness. In the absence of a reliable and comprehensive intelligence assessment, substantial misconceptions might arise and resources might be misallocated. Moreover, early detection and subsequent action aimed at controlling emerging problems might become extremely difficult.

B. Declaration

We, representatives of the States members of the Subcommission on Illicit Drug Traffic and Related Matters in the Near and Middle East,

Having gathered at the thirty-second session of the Subcommission, held at Baku from 17 to 21 February 1997, to consider the Baku Accord on Regional Cooperation against Illicit Cultivation, Production, Trafficking, Distribution and Consumption of Narcotic Drugs and Psychotropic Substances and Their Precursors,

Deeply concerned about the spread of drug abuse in the region and its effects on youth and on future generations,

Also deeply concerned about the rising illicit cultivation of narcotic crops and illicit production of and trafficking in drugs, which pose the main threat to the political, economic, social and cultural structure and stability of the region,

Reaffirming our commitment to combat the multidimensional problems involving illicit drugs,

Convinced that concerted action and comprehensive, well-coordinated programmes are the only means by which to fight problems involving illicit drugs,

Have agreed on the following:

1. Nationally and regionally coordinated strategies should be developed for the implementation of the mandates and recommendations contained in the Global Programme of Action adopted by the General Assembly at its seventeenth special session,[194] on 23 February 1990, the Tehran Declaration adopted by the Ministerial-level Conference at the twenty-ninth session of the Subcommission on Illicit Drug Traffic and Related Matters in the Near and Middle East, held at Tehran from 24 to 28 October 1992,[195] and other relevant international drug control instruments;

2. Training in the field of drug law enforcement is a priority for many States of the region, and interested national authorities should seek the assistance of competent intergovernmental bodies in the development of inter-agency, multidisciplinary training courses for law enforcement officials of the region, taking into account socio-economic differences, as well as

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[194] See General Assembly resolution S-17/2, annex.

[195] See E/CN.7/1993/2, chap. I, sect. D.

evaluating on an ongoing basis the relevance and impact of all training material and programmes in their respective national circumstances;

3. Efforts should be made by the international community and intergovernmental bodies and organizations to establish cooperative relations with the authorities in Afghanistan in order to assist in the eradication of illicit cultivation, production and trafficking of narcotic drugs, especially in the drug-producing areas of the country, and to provide them with packages of aid and the means of economic reform, such as human development and capacity-building, mobilization of resources and industrial development, to enable them to resort to alternative sources of income, which would provide better economic possibilities for future generations;

4. Focal points should be established in the capital cities of States members of the Subcommission in order to improve cooperation and coordination at the national and regional levels, and their titles and addresses should be communicated to their counterparts in the region to enable them to undertake the following action:

(a) To discuss with one another, as frequently as necessary, operational drug control matters and other modi operandi;

(b) To develop drug intelligence networks to ensure the rapid and secure exchange of information on all illicit drug-trafficking operations;

(c) To share expertise and knowledge in drug law enforcement;

(d) To promote field visits for drug-control officers in the region in order to build up mutual confidence and trust, which are conducive to smooth operations;

(e) To exchange information on drug-trafficking trends and trend indicators, as well as intelligence information on the movement of narcotic drugs, psychotropic substances, precursors and methods of concealing assets, bearing in mind the fact that criminal organizations employ a wide range of sophisticated financial mechanisms, including corporate entities and offshore financial havens, to conceal the origin of their funds;

(f) To exchange skills and techniques used in the detection, investigation and suppression of offences involving illicit drug-trafficking and the collection of evidence;

(g) To cooperate and coordinate efforts towards the use of controlled delivery in cases relating to trafficking in narcotic drugs, psychotropic substances and precursors and to money-laundering;

(h) To harmonize drug legislation, in particular with regard to the application of adequate penalties for drug offences;

(i) To facilitate mutual cooperation regarding the identification, seizure, forfeiture and sharing of proceeds proved to be derived from drug-related criminality;

5. All States should be urged to take effective action to control and prevent the diversion of substances frequently used in the illicit manufacture of narcotic drugs and psychotropic substances, as well as the materials and

equipment used in their manufacture. In particular, States of the region should:

(a) Consider notifying the Secretary-General, under the provisions of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[196] article 12, paragraph 10 (a), that any country exporting to them a substance in table I of the Convention should supply them with advance notification of such export, and request that such notification be extended to cover substances in table II as well;

(b) Accede, if they are exporters of substances in table I or II of the 1988 Convention, to the request of the International Narcotics Control Board to provide such pre-export notifications voluntarily to importing countries, even in the absence of a specific request for such notification;

6. States of the region should require import authorizations for all substances in schedules III and IV of the Convention on Psychotropic Substances of 1971;[197]

7. All States in the region should be urged to adopt further legislative and administrative measures to prevent and sanction money-laundering;

8. All States members of the Subcommission should be urged to make every effort to ensure that the present Accord becomes generally known and is observed and implemented in full in accordance with their domestic laws;

9. The international community should be requested to assist and cooperate in the development of illicit crop eradication programmes and to promote alternative development programmes;

10. As proposed in the international drug control treaties, the international community, including intergovernmental bodies, should assist transit countries in enhancing their capabilities to suppress illicit drug-trafficking;

11. The international community, including intergovernmental bodies, should provide financial assistance to States of the region that lack technical equipment, and in which the Government exercises control over licit drugs and combats illicit trafficking;

12. To stem the flow of illicit drugs, reducing illicit drug demand is as important as reducing illicit drug supply and trafficking. Significant progress in drug control cannot be made without that balanced approach. Prevention and demand reduction must be intensified and accorded the high priority that they deserve;

13. Comprehensive preventive programmes must be designed to emphasize a multisectoral and intersectoral approach as an integral part of national development planning. They should focus on protecting young people, who are at risk of becoming consumers and traffickers, and should safeguard their well-

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[196] Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988, vol. I (United Nations publication, Sales No. E.94.XI.5).

[197] United Nations, Treaty Series, vol. 1019, No. 14956.

being and quality of life, thereby maintaining a drug-free society. Using all preventive, educational, medical and legal information available, such programmes should raise the awareness of youth of the negative consequences of drug abuse, and should be tailored individually to target specific groups of potential young abusers;

14. In order to maintain the traditional privacy of the family recognized in most States in the region, States members of the Subcommission should consider ensuring anonymity to any abuser who undergoes medical examination, treatment and rehabilitation;

15. All States should be called upon to strengthen their national legal and judicial systems in conformity with the existing international drug control treaties, in order to improve and carry out effective drug-control activities in cooperation with other States;

16. States in the region should consider facilitating the extradition of persons accused of drug-trafficking offences and refrain from granting political asylum or other forms of protection to such persons;

17. All States should recognize the negative impact on anti-trafficking activities by customs, border-control and law enforcement authorities created by absence or loss of effective exercise of sovereignty in any part of a State because of internal strife, foreign occupation or other causes, which may give rise to illicit transit traffic in drugs, and should condemn any violation of national borders and territorial integrity;

18. The Subcommission should continue to meet on an annual basis in a capital city of the region;

19. The Secretary-General is invited to consider, upon request by interested Governments, how the various elements contained in the present Accord might be carried out, and to examine with them the most suitable modalities for following up appropriate activities, at the national, regional and international levels;

20. The Secretary-General is also invited to transmit the text of the present Accord to all States Members of the United Nations to serve as a background document for the special session of the General Assembly devoted to the fight against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities, to be held in June 1998.

36th plenary meeting
21 July 1997

1997/40. *Contribution to the strengthening of the Global Programme of Action: anti-drug strategy in the Americas*

The Economic and Social Council,

Conscious of the importance of the implementation of the Global Programme of Action adopted by the General Assembly at its seventeenth special session, on

February 1990,[198] and recognizing the necessity of strengthening the hanisms and principles contained therein,

1. *Welcomes* the joint efforts of States of the Americas to achieve the roval and adoption of a strategy for dealing with the drugs problem in the ricas, in strict conformity with the principles of international law and with regard for the principles of shared responsibility, comprehensiveness and a anced approach to action aimed at reducing both demand and supply, on a bal and multidisciplinary basis;

2. *Takes note with satisfaction* of the document entitled "Anti-drug ategy in the hemisphere",[199] approved by the Inter-American Drug Abuse trol Commission of the Organization of American States at its twentieth ular session, held at Buenos Aires in October 1996, and signed at Montevideo December 1996;

3. *Urges* the international community to take due account of the anti-drug ategy in the hemisphere as a significant contribution to the strengthening of Global Programme of Action adopted by the General Assembly at its enteenth special session.

36th plenary meeting
21 July 1997

1997/41. *Implementation of comprehensive measures to counter the illicit manufacture, trafficking and abuse of amphetamine-type stimulants and their precursors*

The Economic and Social Council,

Deeply concerned about the economic and social consequences of the rapid widespread increase in the illicit manufacture, trafficking and abuse of hetamine-type stimulants listed in the Convention on Psychotropic Substances 1971[200] and their analogues,

Concerned about the continued availability to drug traffickers of chemicals ted in tables I and II of the United Nations Convention against Illicit fic in Narcotic Drugs and Psychotropic Substances of 1988,[201] and about the rgence of substitute chemicals and different processes used in the illicit ufacture of amphetamine-type stimulants,

Aware of the progress made in the regulation and monitoring of shipments of trolled chemicals, resulting from cooperation between the competent national regional authorities of a number of States and the assistance of the ernational Narcotics Control Board,

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[198] See General Assembly resolution S-17/2, annex.

[199] E/CN.7/1997/CRP.12 and Corr.1.

[200] United Nations, *Treaty Series*, vol. 1019, No. 14956.

[201] *Official Records of the United Nations Conference for the Adoption of a vention against Illicit Traffic in Narcotic Drugs and Psychotropic stances, Vienna, 25 November-20 December 1998*, vol. I (United Nations ication, Sales No. E.94.XI.5).

Recognizing the need for the establishment of a mechanism for the rapid exchange of information on shipments of concern of listed precursor chemicals and on suspicious shipments of those chemicals in particular,

Also recognizing the important role of the Board in monitoring and facilitating the implementation of measures designed to strengthen cooperation in preventing the diversion of chemicals into illicit manufacture of psychotropic substances and the diversion of psychotropic substances from licit manufacture and trade into illicit trafficking,

Welcoming the continuing efforts of the United Nations International Drug Control Programme and the Board to address, in a comprehensive way, problems of amphetamine-type stimulants, including activities related to the recommendations of the Expert Meeting on Amphetamine-type Stimulants, held at Shanghai, China, from 25 to 29 November 1996,

Noting with appreciation the study entitled Amphetamine-type Stimulants: a Global Review,[202] the report of the Expert Meeting on Amphetamine-type Stimulants,[203] the Report of the International Narcotics Control Board for 1996[204] and the report entitled Precursors and Chemicals Frequently Used in the Illicit Manufacture of Narcotic Drugs and Psychotropic Substances: Report of the International Narcotics Control Board for 1996 on the Implementation of article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[205]

Welcoming the multifaceted nature of the recommendations contained in the report of the Expert Meeting on Amphetamine-type Stimulants, which cover prevention, education, information, precursor control, legislation and regulation of amphetamine-type stimulants and their precursors,

Also welcoming the multilateral initiative jointly proposed by the United States of America and the European Union to prevent the diversion of precursor chemicals from international commerce,

Stressing the importance of the initiative of the European Union involving the launching of an early-warning mechanism, and welcoming its willingness to share experiences with Member States and with the United Nations International Drug Control Programme,

Recalling its resolutions 1995/20 of 24 July 1995 and 1996/29 of 24 July 1996,

I

GENERAL MEASURES

1. Takes note with appreciation of the recommendations of the Expert Meeting on Amphetamine-type Stimulants, held at Shanghai, China from 25 to

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[202] United Nations International Drug Control Programme Technical Series No. 3 (Vienna, 1996).

[203] E/CN.7/1997/6.

[204] United Nations publication, Sales No. E.97.XI.3.

[205] United Nations publication, Sales No. E.97.XI.4.

29 November 1996, and encourages Governments to review the report of the Expert Meeting and all its recommendations thoroughly, with a view to the adoption of an appropriate decision on those recommendations by the Commission on Narcotic Drugs at its forty-first session;

2. Urges Governments to give serious consideration to implementing, to the extent possible, prior to their endorsement by the Commission, the recommendations of the Expert Meeting on Amphetamine-type Stimulants;

3. Requests the Executive Director of the United Nations International Drug Control Programme, drawing on extrabudgetary resources:

(a) To continue work in the field of amphetamine-type stimulants and to translate the recommendations of the Expert Meeting on Amphetamine-type Stimulants into a practical action plan for subregional, regional and international implementation, as appropriate;

(b) To develop the recommendations of the Expert Meeting on Amphetamine-type Stimulants into an appropriate format for consideration by the Commission at its forty-first session, with a view to making recommendations for endorsement by the General Assembly at its special session devoted to the fight against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities, to be held in June 1998;

4. Requests Governments and regional organizations, as they establish mechanisms for the collection of data on the licit and illicit manufacture, trafficking and use of amphetamine-type stimulants and their precursors, to cooperate and coordinate with the United Nations International Drug Control Programme and the International Narcotics Control Board;

5. Urges Governments to take the necessary measures for effective compliance with the provisions of the international drug control treaties relating to the advertisement of drugs, particularly those described in the report of the Expert Meeting on Amphetamine-type Stimulants;

6. Invites the Executive Director of the Programme, drawing on extrabudgetary resources, to consider the use of the Internet and other media tools to disseminate accurate and reliable information on amphetamine-type stimulants and their precursors;

7. Urges Governments to ensure rational use of medically prescribed amphetamine-type stimulants and, in particular, to monitor the safety and efficacy of their long-term administration.

II

MEASURES TO COUNTER THE ILLICIT MANUFACTURE, TRAFFICKING AND ABUSE OF AMPHETAMINE-TYPE STIMULANTS

1. Invites Governments and the United Nations International Drug Control Programme, drawing on extrabudgetary resources where necessary, in collaboration with interested non-governmental organizations, to initiate and regularly evaluate public awareness campaigns, targeted at all levels of society, on the adverse health, social and economic consequences of amphetamine-type stimulants, and, in general, to strengthen demand reduction efforts at both national and international levels;

2. Requests the Executive Director of the Programme, drawing on extrabudgetary resources, and the Director-General of the World Health Organization, with the assistance of Governments:

(a) To identify, document and disseminate information on evidence-based practices applied in primary and secondary intervention in cases involving the abuse of amphetamine-type stimulants;

(b) To continue improving the level of understanding of, and developing the scientific basis necessary for, adequate policy-making, by undertaking, and coordinating as necessary, studies of an international nature on the health consequences, including treatment, and on the social, cultural and economic consequences of abuse of amphetamine-type stimulants;

3. Urges concerned Governments, in cooperation with relevant international organizations, such as the International Criminal Police Organization and the World Customs Organization, to establish regional and subregional initiatives for the exchange of information and technical cooperation, in order to promote coordinated international action in the fight against illicit demand for and supply of amphetamine-type stimulants and their precursors;

4. Requests the Executive Director of the Programme, drawing on extrabudgetary resources, to promote the further development of the drug profiling/signature analysis project in support of scientific approaches to law enforcement, and to provide Member States with technical support for profiling programmes designed to identify the sources and routes of illicit manufacture and trafficking;

5. Requests Governments to provide available evidence and data to the International Narcotics Control Board on chemicals frequently used in the illicit manufacture of amphetamine-type stimulants, and requests the Board to assess that information for possible inclusion in a limited international special surveillance list to be established for use by the international community;

6. Urges Governments:

(a) To consider applying civil, criminal and administrative sanctions to those who knowingly supply non-controlled chemicals for the illicit manufacture of amphetamine-type stimulants;

(b) To establish mechanisms for international cooperation between law enforcement and other relevant agencies, in order to support investigations where competent national authorities were able to determine that non-controlled chemicals were being used for the illicit manufacture of amphetamine-type stimulants;

7. Urges Governments, in States where illicit manufacture of amphetamine-type stimulants exists:

(a) To improve, in particular by a system of licensing and inspection, the monitoring of the domestic manufacture and distribution of key precursors of amphetamine-type stimulants listed in table I of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;

(b) To support research by competent authorities in order to determine which non-controlled chemical substances are being used in the illicit manufacture of amphetamine-type stimulants;

8. Requests the United Nations International Drug Control Programme, drawing on extrabudgetary resources, in consultation with the International Narcotics Control Board, to assist Governments, as required, by providing technical advice on ways of establishing which non-controlled chemical substances are being used in the illicit manufacture of amphetamine-type stimulants;

9. Urges Governments to establish the necessary legal basis for the prevention of the clandestine manufacture of and trafficking in new amphetamine-type stimulants, and for that purpose:

(a) To exchange information about the new non-controlled amphetamine-type stimulants with other concerned Governments;

(b) To consider developing flexible and anticipatory scheduling approaches for analogues of controlled substances and other substitutes, for example, by the emergency scheduling of structurally similar groups, or by the establishment of controls based on similarities in structure or pharmacological effects;

(c) To cooperate in ensuring the compatibility of such legislation;

10. Urges the Executive Director of the Programme, drawing on extrabudgetary resources, to initiate a review of the various means, such as generic scheduling, used by Governments to control amphetamine-type stimulants and their by-products or analogues that can be obtained by chemical modification, and that produce similar pharmacological effects, with the aim of facilitating discussion at all levels within the United Nations system, in order to curb the proliferation of those substances.

III

VERIFICATION OF THE LEGITIMACY OF TRANSACTIONS

1. Requests Governments to make every effort to verify the legitimacy of individual transactions involving precursors of amphetamine-type stimulants listed in table I and, where possible, those listed in table II of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, using the guidelines disseminated by the United Nations International Drug Control Programme for use by national authorities in preventing the diversion of precursors and essential chemicals, which were endorsed by the Economic and Social Council in its resolution 1993/40 of 27 July 1993;

2. Requests Governments of States exporting those precursors referred to in paragraph 1 above, prior to permitting shipments to proceed, to inquire with the authorities of importing States about the legitimacy of transactions of concern, and to inform the International Narcotics Control Board of the action taken, particularly when they do not receive any reply to their inquiries;

3. Also requests Governments of States exporting such precursors to inform the States concerned and the Board, as soon as possible, if export orders are cancelled pending a reply to inquiries made to importing States;

4. Requests Governments of both importing and exporting States, in cooperation with the Board, to take appropriate action to protect the legitimate interests of industries that cooperate in inquiries to verify the legitimacy of transactions involving the precursors specified in paragraph 1 above;

5. Also requests Governments of importing and exporting States to take steps to initiate a cooperative, rapid and effective exchange of information, with each other and with the Board, concerning stopped or cancelled shipments of such precursors, in order to alert Governments of other States that might be targeted as points of diversion;

6. Encourages Governments to consider making voluntary contributions to assist the Programme in the implementation of the present resolution;

7. Requests the Secretary-General to transmit the present resolution to all Governments for consideration and implementation as a matter of priority.

36th plenary meeting
21 July 1997

1997/42. Follow-up to the International Conference on Population and Development

The Economic and Social Council,

Recalling General Assembly resolutions 49/128 of 19 December 1994 and 50/124 of 20 December 1995 on the follow-up to the International Conference on Population and Development and 51/176 of 16 December 1996, in which the Assembly reiterated that the Commission on Population and Development had the primary responsibility for monitoring, reviewing and assessing the implementation of the Programme of Action of the International Conference on Population and Development,

1. Takes note of decision 97/14 adopted by the Executive Board of the United Nations Development Programme/United Nations Population Fund on 16 May 1997;

2. Recommends that the General Assembly, at its fifty-second session, decide on the process and modalities, including the possibility of convening a special session of the Assembly in 1999, for reviewing and appraising the implementation of the Programme of Action of the International Conference on Population and Development, under agenda item 97 (c), entitled "Population and development";

3. Further recommends that the report of the Secretary-General to be submitted to the General Assembly under that agenda item contain consolidated recommendations from the Department of Economic and Social Affairs of the Secretariat, the United Nations Population Fund, the regional commissions and other relevant United Nations entities on activities to be undertaken in preparation for the review.

37th plenary meeting
22 July 1997

1997/43. Report of the Council of the United Nations University

The Economic and Social Council,

Recalling General Assembly resolution 3081 (XXVIII) of 6 December 1973,

Stressing the need to further rationalize the agenda of its substantive session in accordance with the relevant provisions of General Assembly resolution 50/227 of 24 May 1996,

1. Takes note of the report of the Council of the United Nations University for 1996;[206]

2. Expresses its appreciation to the outgoing Rector of the United Nations University for his contribution to the work of the University during his term in office;

3. Recommends that the General Assembly adopt a decision whereby, beginning in 1998, the report of the Council of the United Nations University would be considered directly by the Second Committee of the General Assembly in accordance with its programme of work.

37th plenary meeting
22 July 1997

1997/44. International Year of Volunteers, 2001

The Economic and Social Council,

Recommends to the General Assembly the adoption of the following draft resolution:

"International Year of Volunteers, 2001

"The General Assembly,

"Recalling its resolutions 2659 (XXV) of 17 December 1970, 31/131 of 16 December 1976, 31/166 of 21 December 1976, 40/212 of 17 December 1985 and 49/139 B of 20 December 1994, and bearing in mind decision 96/32 of the Executive Board of the United Nations Development Programme/United Nations Population Fund, in which the Executive Board acknowledged the importance of the contribution made by volunteers worldwide and expressed its support for the efforts of the United Nations Volunteers to promote further volunteer work,

"Taking into account its decision 35/424 of 5 December 1980 and Economic and Social Council resolution 1980/67 of 25 July 1980 concerning guidelines for international years and anniversaries,

"Noting the significant contribution that volunteers make in their own countries to improving the welfare and realizing the aspirations of their fellow citizens for improved economic and social well-being, and the financing of their work largely through civil society, including the private sector, as well as the important achievements of volunteers assigned internationally to the attainment of the development goals of Member States,

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[206] E/1997/7.

"Noting the assistance provided by the United Nations Volunteers, in particular to United Nations organizations and operations in the fields of social and economic development, humanitarian aid and the promotion of peace, democracy and respect for human rights, and above all in helping to link these efforts closely to the populations for whom they are intended,

"Also noting the importance of new players taking the initiative at the local, national and international levels, particularly individuals and organizations of civil society, in partnership with Governments, as emphasized in the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development,[207]

"Bearing in mind the conclusion of the Fourth World Conference on Women, that women should be enabled to benefit from lifelong learning, including volunteer activity,[208] and noting that much volunteer activity is performed by women and that such socially useful work should be appropriately recognized and supported,

"Convinced that the need for volunteer effort is greater than ever in light of the adverse impact of such global problems as environmental degradation, poverty, drug abuse and HIV/AIDS on the more vulnerable sectors of society, and of the trend for civil society, in partnership with government and the private sector, to assume ever greater responsibilities in the development process,

"Also convinced that a year designed to enhance the recognition, facilitation, networking and promotion of volunteer service, with particular emphasis upon activity at the local level, could make a significant contribution to generating increased awareness of the achievements and further potential of volunteer service, to encouraging offers of service from a greatly expanded number of individuals and to channelling resources to augment the effectiveness of such service,

"Noting with satisfaction that the proposal for the year has gained widespread support within civil society,

"1. Proclaims 2001 the International Year of Volunteers;

"2. Invites Governments, the United Nations system and intergovernmental, volunteer and non-governmental organizations and community-based organizations to collaborate and identify ways and means of enhancing the recognition, facilitation, networking and promotion of volunteer service in the preparations for and observance of the Year;

"3. Designates the United Nations Volunteers programme, without prejudice to existing priorities, as the focal point for preparations, implementation and follow-up of the Year in close collaboration with other organizations of the United Nations system, and encourages the United Nations Volunteers to continue the process of close collaboration and partnership with Governments and international and national volunteer and non-governmental organizations, in particular, with regard to the preparations for and implementation of the Year;

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[207] Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995 (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1.

[208] Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II, para. 73.

"4. Invites policy-making organs and the relevant organizations of the United Nations system to consider, in the context of their substantive mandates, the principles and objectives of the Year, making special efforts through new and existing programmes during the period 1998-2001 and to pursue follow-up action to the Year for the benefit of all countries and peoples;

"5. Appeals to Member States, as well as all other participants in the observance of the Year, to highlight 2001 as a special occasion benefiting the peoples of the world in their quest for a better life for all, based on the voluntary commitment of individuals and groups to make available their time and share their resources and skills in the interest of those less advantaged;

"6. Calls for a concerted promotional and information campaign on behalf of the Year at the national, regional and international levels, with the strong participation of the mass media;

"7. Requests the Secretary-General to take specific measures, within existing resources and with support from voluntary resources, through all the communications media at his disposal, in particular within the mandate of the Department of Public Information of the Secretariat, to give widespread publicity to the preparations for and observance of the Year and to disseminate information on the subject."

37th plenary meeting
22 July 1997

1997/45. Proclamation of an international year of mountains

The Economic and Social Council,

Mindful that mountains represent an essential component of the global life-support system and a positive asset offering opportunities for sustainable development, if adequately managed on the basis of the best available scientific knowledge and with due regard to the protection of nature and the interests of humankind,

Recognizing that, as a major ecosystem representing the complex and interrelated ecology of this planet, mountains are essential to the survival of the global ecosystem and play an important role in shaping life on Earth,

Noting that mountains are an important source of water, energy, minerals, forest and agricultural products and biological diversity, which are all of vital importance to both individual States and the international community,

Bearing in mind that mountains cover at least one fifth of the Earth's landscape and are home to at least 10 per cent of the world's population, predominantly economically poor people, Recognizing that it is economically and socially more costly to sustain life in mountain areas than in lowland areas and concerned about the widespread poverty, unemployment and poor health among mountain inhabitants and the loss of indigenous knowledge,

Confirming that at the United Nations Conference on Environment and Development, held at Rio de Janeiro in 1992, the international community recognized that there was a lack of knowledge about mountain ecosystems and called for renewed international and regional cooperation to develop an integrated approach for conserving, upgrading and using the land, water, plant, animal and human resources and promoting alternative livelihood opportunities for mountain inhabitants with a view to improving their living standards,

Welcoming, the various regional and subregional initiatives and international instruments, such as the Alpine Convention, which provide frameworks for international cooperation for the protection of mountain environments,

Recalling its decision 1995/235 of 17 July 1995 on the report of the Commission on Sustainable Development and taking note of the decisions of the General Assembly at its nineteenth special session on the overall review and appraisal of the implementation of Agenda 21,

Bearing in mind that an international conference entitled "Mountain research: challenges and prospects in the twenty-first century" was held at Bishkek, Kyrgyzstan from 14 to 18 October 1996 and adopted a decision to draw the attention of the international community to the exceptional importance of mountain ranges for mankind and to propose that the General Assembly declare an international year of mountains,

Recalling its resolution 1980/67 of 25 July 1980, in which it recognized that the celebration of international years can promote international cooperation and understanding in accordance with the guidelines contained therein,

1. Invites Governments, in cooperation with relevant international and regional organizations, to undertake awareness-raising activities concerning the problems and challenges faced by mountainous countries and communities;

2. Encourages Governments and intergovernmental organizations to coordinate regional and international cooperation and facilitate the exchange of information and experience among the specialized agencies and relevant international and regional organizations, research institutions and non-governmental organizations on issues related to mountain regions, including the manageability and interaction of mountains and the economy, the impact of mountains on the socio-economic development of countries and sustainable human development, and the like;

3. Welcomes and supports the ongoing efforts to prepare and negotiate subregional and interregional agreements on mountains, thus reinforcing legal mechanisms to protect fragile mountain ecosystems and promote sustainable and equitable development in mountain regions;

4. Encourages regional, national and international networking of people's initiatives and the activities of international, regional and local non-governmental organizations working on mountain development, and supports those organizations in their efforts to exchange information and experience;

5. Requests the Secretary-General, in consultation with Governments and relevant international, regional and non-governmental organizations, to submit to the Council at its substantive session of 1998, a report on the desirability of proclaiming an international year of mountains and on other ways and means of ensuring the sustainable development of mountain countries.

37th plenary meeting
22 July 1997

1997/46. International Year of Thanksgiving, 2000

The Economic and Social Council,

Considering that the dedication of a year to the act of giving thanks gives us the opportunity to remember the fundamental importance of cultural diversity in the development of a rich and harmonious international life and that one of the purposes of the United Nations, as expressed in its Charter, is to achieve international cooperation in solving international problems in economic, social, cultural and humanitarian areas without creating any distinctions based on race, sex, language or religion,

Convinced that the observance of the year 2000 as an international year of thanksgiving within the United Nations will bring together the efforts of nations to achieve full tolerance and strengthen universal peace,

Mindful that the preamble to the Charter of the United Nations includes the practice of tolerance as one of the principles that need to be applied to prevent war and maintain peace,

Affirming that this initiative will contribute to international cooperation by creating an awareness among peoples and Governments of the importance of gratitude as much in the personal and civic life of every human being as in the relations between the countries and cultures of the world,

Affirming also that the proposal to begin the twenty-first century and the new millennium with an international year of thanksgiving to celebrate the gift of life as the most noble expression of the human spirit is intended to promote friendship and solidarity between nations,

1. Reaffirms that such an expression of gratitude will bring together national and international efforts to achieve full tolerance and strengthen universal peace and international cooperation;

2. Recommends that the General Assembly, at its fifty-second session, proclaim the year 2000 as International Year of Thanksgiving;

3. Invites all Member States and interested intergovernmental and non-governmental organizations to do whatever they can in their respective ares of expertise to contribute to the preparations for the Year and to publicizing it.

37th plenary meeting
22 July 1997

1997/47. International Year for the Culture of Peace, 2000

The Economic and Social Council,

Recalling General Assembly resolution 50/173 of 22 December 1995, entitled "United Nations Decade for Human Rights Education: towards a culture of peace", in which it expressed satisfaction with the transdisciplinary project adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization entitled "Towards a culture of peace",

Recalling also General Assembly resolution 51/101 of 12 December 1996 on a culture of peace, in which it called for the promotion of a culture of peace based on the preamble to the Charter of the United Nations and the purposes and principles of the United Nations,

Expressing its deep concern about the persistence and proliferation of violence and conflicts of a diverse nature in various parts of the world,

Emphasizing the link between peace and development and the need for a culture of peace that can lead, through education, science and communication, to respect for all human rights and the promotion of democracy, tolerance, dialogue, reconciliation and solidarity, as well as to international cooperation and economic development, and thus to sustainable human development,

Aware of the need to mobilize public opinion at the national and international levels for the purpose of establishing and promoting a culture of peace and the central role that the United Nations system could play in this regard,

Bearing in mind the memorandum of understanding between the Director-General of the United Nations Educational, Scientific and Cultural Organization and the United Nations High Commissioner for Human Rights, signed in Paris on 19 October 1995,

Convinced that an international year for the culture of peace at the turn of the millennium would provide the opportunity to boost the efforts of the international community to establish and promote an everlasting culture of peace,

1. Recommends that the General Assembly, at its fifty-second session, proclaim the year 2000 as International Year for the Culture of Peace;

2. Also recommends that the programme of activities and the scope of the Year should focus on respect for cultural diversity and promotion of tolerance, solidarity, cooperation, dialogue and reconciliation and should be based on activities at the national and international levels;

3. Further recommends that the United Nations Educational, Scientific and Cultural Organization should be designated as the focal point for the Year and should bear the responsibility for coordinating the inter-organizational aspects of the programmes and activities of the other bodies within the United Nations system and other organizations concerned and for mobilizing resources to meet the budgetary requirements for the Year;

4. Requests the United Nations Educational, Scientific and Cultural Organization to submit to the Council, at its substantive session of 1998, a

report on the state of preparations for the Year to enable it to make appropriate proposals to the General Assembly at its fifty-third session.

37th plenary meeting
22 July 1997

1997/48. Europe-Africa permanent link through the Strait of Gibraltar

The Economic and Social Council,

Recalling its resolutions 1982/57 of 30 July 1982, 1983/62 of 29 July 1983, 1984/75 of 27 July 1984, 1985/70 of 26 July 1985, 1987/69 of 8 July 1987, 1989/119 of 28 July 1989, 1991/74 of 26 July 1991, 1993/60 of 30 July 1993 and 1995/48 of 27 July 1995,

Recalling also General Assembly resolution 43/179 of 20 December 1988, by which the Assembly declared the period 1991-2000 the Second Transport and Communications Decade in Africa,

Referring to resolution 912 (1989) adopted on 1 February 1989 by the Parliamentary Assembly of the Council of Europe[209] regarding measures to encourage the construction of a major traffic artery in south-western Europe and to study thoroughly the possibility of a permanent link through the Strait of Gibraltar,

Referring also to the Barcelona Declaration adopted at the Euro-Mediterranean Conference, held at Barcelona in November 1995, and to the work programme annexed thereto, which aims towards connecting the Mediterranean networks in the field of transport to the trans-European network so as to ensure their interoperability,

Referring further to the Lisbon Declaration adopted at the Conference on Transport in the Mediterranean, held at Lisbon in January 1997, and to the conclusions of the Pan-European Conference, held at Helsinki in June 1997, on corridors in the Mediterranean incorporating the permanent link,

Taking note of the follow-up report prepared jointly by the Economic Commission for Europe and the Economic Commission for Africa[210] in accordance with Council resolution 1995/48,

Also taking note of the conclusions of the second and third meetings of the Western Mediterranean Transport Group, held respectively at Rabat in September 1995 and at Madrid in January 1997, which included the permanent link among the priority corridors in the extension of the trans-European network,

1. Welcomes the cooperation on the project for the link through the Strait of Gibraltar established between the Economic Commission for Africa, the Economic Commission for Europe, the Governments of Morocco and Spain and specialized international organizations;

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[209] See Council of Europe, Parliamentary Assembly, fortieth ordinary session (third part), 30 January-3 February 1989, Texts adopted by the Assembly, Strasbourg, France, 1989.

[210] E/1997/51.

2. Also welcomes the organization, under the auspices of the United Nations and the International Tunnelling Association, of two seminars, one held at Tarifa, Spain in February 1997 on the suitability of tunnel-boring machines for the project, and the other held at Vienna in April 1997 on the methodology for estimating the cost of tunnels;

3. Commends the Economic Commission for Africa and the Economic Commission for Europe on the work done in preparing the project follow-up report requested by the Council in its resolution 1995/48, even though the necessary resources were not forthcoming from the General Assembly;

4. Renews its invitation to the competent organizations of the United Nations system and to non-governmental organizations, including in particular the International Tunnelling Association and the International Union of Railways, to participate in the studies and work on the permanent link through the Strait of Gibraltar;

5. Also renews its invitation to the European Commission to consider the possibility of participating in the consolidation of the studies and the development of the project both institutionally and financially;

6. Requests the Executive Secretaries of the Economic Commission for Africa and the Economic Commission for Europe to continue to take an active part in the follow-up to the project and to report to the Council at its substantive session of 1999;

7. Requests the Secretary-General to provide formal support and, to the extent that priorities permit, the necessary resources, within the regular budget, to the Economic Commission for Africa and the Economic Commission for Europe to enable them to carry out the activities mentioned above.

37th plenary meeting
22 July 1997

1997/49. Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1997/24 of 11 April 1997,

1. Authorizes an open-ended working group of the Commission on Human Rights to meet for a period of two weeks prior to the fifty-fourth session of the Commission in order to continue the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

2. Requests the Secretary-General to extend to the working group all necessary facilities for its meetings and to transmit the report of the working

group[211] to Governments, the specialized agencies, the chairpersons of the uman rights treaty bodies and the intergovernmental and non-governmental organizations concerned.

38th plenary meeting
22 July 1997

1997/50. Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1997/31 of 11 April 1997,

1. *Authorizes* the open-ended inter-sessional working group of the Commission on Human Rights established in accordance with Commission resolution 1995/32 of 3 March 1995 to meet for a period of ten working days prior to the fifty-fourth session of the Commission, the costs of the meeting to be met from within existing resources;

2. *Requests* the Secretary-General to extend all necessary facilities, from within existing United Nations resources, to the working group for its meetings.

38th plenary meeting
22 July 1997

1997/51. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1997/70 of 16 April 1997,

1. *Authorizes* the open-ended working group of the Commission on Human Rights to meet for a period of eight working days prior to the fifty-fourth session of the Commission in order to finalize its elaboration of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms;

2. *Requests* the Secretary-General to extend all necessary facilities, within existing United Nations resources, to the working group for its meetings.

38th plenary meeting
22 July 1997

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[211] E/CN.4/1997/33 and Add.1.

1997/52. Human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS)

The Economic and Social Council,

Recalling its resolutions 1994/24 of 26 July 1994, 1995/2 of 3 July 1995 and 1996/47 of 26 July 1996,

Noting with concern the continuing spread of human immunodeficiency virus/ acquired immunodeficiency syndrome (HIV/AIDS), particularly HIV/AIDS-associated deaths in 1996, which represent about 25 per cent of all HIV-related mortality since the beginning of the epidemic, the severe impact on development prospects and the worsening impact on individuals, households and society,

Recognizing that women and men are affected differently by HIV/AIDS and that in 1996 nearly half of the new infections occurred in women,

Recognizing further that special efforts are needed to help developing countries combat AIDS,

Noting also with concern the increasingly dramatic situation of millions of children worldwide who are living under threat of the HIV/AIDS epidemic, and welcoming the theme of the 1997 World AIDS Campaign on Children Living in a World with AIDS,

Noting with appreciation the progress achieved in the implementation of the activities of the Joint and Co-Sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (HIV/AIDS) by its co-sponsoring organizations during its first full year of operation, and acknowledging the continued efforts made by Governments in response to HIV/AIDS at the national level as well as the financial support provided by countries for these efforts,

Noting that the Programme, which was established to provide a coordinated United Nations response to the epidemic, constitutes an important example of effective system-wide coordination in the context of United Nations reform efforts,

Taking note of the note by the Secretary-General transmitting the report of the Executive Director of the Programme,[212] which discusses the HIV/AIDS activities of the organizations of the United Nations system, and welcoming the increased involvement of the Secretary-General in the response to HIV/AIDS and his support to the Programme,

1. Urges the co-sponsors of the Joint and Co-Sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (HIV/AIDS) and other relevant organizations of the United Nations system to strengthen their commitment to the response to the epidemic by integrating HIV/AIDS components throughout their operational activities at the global, regional and country levels and in their follow-up activities to global conferences;

2. Requests co-sponsoring organizations and the Programme to disseminate clear guidance to country-level staff on the role and functions of the United Nations theme groups on HIV/AIDS and their respective roles in providing

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[212] E/1997/63.

technical assistance, and to report back to their respective governing bodies and to the Programme Coordinating Board on measures undertaken in this respect;

3. Requests the United Nations funds and programmes and invites the specialized agencies, in consultation with the host countries, to ensure effective coordination of HIV/AIDS-related activities in the context of the resident coordinator system;

4. Urges the co-sponsoring organizations to share costs related to administrative support for the effective functioning of theme groups within the framework of the United Nations resident coordinator system;

5. Appeals to Governments and the co-sponsors, and encourages other interested actors, to broaden their programme activities in the area of HIV/AIDS in order to cover all aspects of the epidemic, in particular addressing its social and economic dimensions, especially in developing countries, and emphasizing, in this context, a gender-based approach;

6. Urges all donors to continue their support and those not contributing substantially to increase their support to the Programme, giving priority to funding the core budget in order to ensure sustainable financing of the Programme;

7. Welcomes the support of other countries, and urges all those in a position to do so to contribute to the Programme;

8. Requests the Secretary-General to transmit to the Council, at its substantive session of 1999, a comprehensive report prepared by the Executive Director of the Programme in collaboration with other relevant organizations of the United Nations system, drawing upon the biennial report on HIV/AIDS to be issued in 1998, on the progress made in the response to HIV/AIDS and its impact on the countries affected.

39th plenary meeting
23 July 1997

1997/53. Consumer protection

The Economic and Social Council,

Recalling General Assembly resolution 39/248 of 9 April 1985, in which the Assembly adopted guidelines for consumer protection,

Recalling also its resolutions 1988/61 of 27 July 1988 and 1990/85 of 27 July 1990, as well as resolution 48/7 of 23 April 1992 of the Economic and Social Commission for Asia and the Pacific,[213] in which Governments were urged to implement the guidelines for consumer protection and the Secretary-General was requested to provide assistance to Governments to that end,

Recalling, in particular, its resolution 1995/53 of 28 July 1995, in which it requested the Secretary-General, inter alia, to elaborate guidelines in the area of sustainable consumption patterns and to examine the possible extension of those guidelines into other areas,

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[213] See Official Records of the Economic and Social Council, 1992, Supplement No. 11 (E/1992/31), chap. IV.

Noting that the Commission on Sustainable Development, at its third session, recommended that the guidelines for consumer protection be expanded to include guidelines for sustainable consumption patterns,[214]

Taking note of Commission on Sustainable Development decision 4/13,[215] in which it requested Consumers International to assist the United Nations and its member Governments in the early revision of the United Nations guidelines for consumer protection to include aspects of more sustainable consumption and production patterns,

Aware that the need for assistance in the area of consumer protection, particularly in developing countries and countries with economies in transition, remains great,

1. Notes with appreciation the report of the Secretary-General on consumer protection,[216] prepared pursuant to Council resolution 1995/53, containing information on the progress achieved within the United Nations system to promote the implementation of the guidelines for consumer protection, as well as on regional and international cooperation to promote consumer protection;

2. Recognizes the impact the guidelines have had in many countries in promoting just, equitable and sustainable economic and social development through their implementation by Governments;

3. Also recognizes the important role of civil society, in particular non-governmental organizations, in promoting the implementation of the guidelines;

4. Welcomes the recent initiatives of the United Nations in partnership with international consumer organizations, such as Consumers International, donors and host Governments, in convening regional conferences on consumer protection, such as those held in Africa and in the Asia and Pacific region, for fostering the implementation of the guidelines and initiating the process of revising the guidelines and extending them into the area of sustainable consumption patterns and other possible areas;

5. Urges Member States, other entities of the United Nations system and relevant intergovernmental and non-governmental organizations to continue their efforts to implement effectively the United Nations guidelines for consumer protection and to continue further work on the elaboration of guidelines to cover sustainable consumption patterns and other areas;

6. Requests the Secretary-General to undertake this work through the convening of an interregional expert group meeting, to be financed from extrabudgetary resources and in collaboration with interested Governments, Consumers International and other concerned entities active in this field, taking into account the recommendations emanating from the recently held regional conferences on consumer protection to include aspects of more sustainable consumption patterns;

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[214] Ibid., 1995, Supplement No. 12 (E/1995/32), chap. I, para. 45, sect. E.

[215] Ibid., 1996, Supplement No. 8 (E/1996/28), chap. I, sect. C.

[216] E/1997/61.

7. Recommends that the interregional expert group meeting elaborate specific recommendations for guidelines for sustainable consumption patterns for submission to the Council at its substantive session of 1998 through the Commission on Sustainable Development at its sixth session;

8. Requests the Secretary-General to continue to examine the extension of the guidelines into other areas;

9. Also requests the Secretary-General to report to the Council at its substantive session of 1998 on the implementation of the present resolution.

39th plenary meeting
23 July 1997

1997/54. Economic Commission for Latin America and the Caribbean in the context of reform of the United Nations

The Economic and Social Council,

Recalling Economic Commission for Latin America and the Caribbean resolution 553 (XXVI) on reform of the United Nations and its impact on the Commission and, in particular, its decision to establish an ad hoc working group open to all its member countries, which group was empowered, inter alia, to recommend to the Commission strategic directions for its future activities in the context of the ongoing process of reform of the United Nations,

Taking note of the discussions at the 2nd meeting of the ad hoc working group established pursuant to Commission resolution 553 (XXVI), held in New York on 5 June 1997,

Bearing in mind its resolution 1996/41 and General Assembly resolution 50/227, which refer to the restructuring and revitalization of the United Nations in the economic, social and related fields and call for a review of the regional commissions with a view to strengthening and enhancing their effectiveness as action- and policy-oriented bodies,

Bearing in mind also its request that the regional commissions should continue undertaking their own assessments, as called for in General Assembly resolution 50/227, and report to the Council at its substantive session of 1997,

Taking note of the notes by the secretariat of the Commission entitled "Review of recent reforms adopted by the Economic Commission for Latin America and the Caribbean" and "Management pilot scheme",[217]

Reaffirming that the initiative on the pilot management scheme presented by the Commission secretariat is aimed at strengthening the role of the organization as a centre of excellence charged with collaborating with member States in a comprehensive analysis of development processes geared to the design, monitoring and evaluation of public policies and the resulting provision of operational services in the fields of specialized information, advisory services, and training and support for regional and international cooperation and coordination,

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[217] LC/G.1962 (15 April 1997) and LC/G.1964 (21 April 1997), respectively.

Convinced that it is essential for the United Nations, in carrying out activities in the economic, social and related fields, to take account of the regional dimension and the decentralization of tasks in accordance with the comparative advantages of its subsidiary bodies located in the developing regions,

1. Notes with satisfaction the progress made by the secretariat of the Economic Commission for Latin America and the Caribbean in fulfilling the instructions of the Commission, as expressed in its resolution 553 (XXVI), particularly with regard to institutional matters and management improvement and the coordination of activities with other organizations, in order to maintain its validity and relevance in the face of evolving circumstances that affect not only Latin American and Caribbean development, but also the United Nations;

2. Further notes with satisfaction the work carried out by the ad hoc working group established pursuant to Commission resolution 553 (XXVI) in defining priorities for all elements of the Commission work programme for the biennium 1998-1999 and the progress achieved in formulating additional strategic directions;

3. Urges the ad hoc working group, in consultation with the Executive Secretary of the Commission, to ensure that, notwithstanding the changing internal and external circumstances affecting the implementation of the work programme, the activities carried out by the secretariat of the Commission are based on the priorities established and the guidelines contained in the progress report of the ad hoc working group established pursuant to Commission resolution 553 (XXVI);

4. Supports the general thrust of the management pilot scheme described in document LC/G.1964, which will be developed and described in detail and submitted for consideration and approval by States members of the Commission before its implementation, taking into account the statements made by the members of the ad hoc working group during its 2nd meeting, held in New York on 5 June 1997;

5. Requests the Executive Secretary of the Commission to keep members informed during the implementation phase of the management pilot scheme, through the ad hoc working group, with the aim of monitoring its effectiveness and impact on the work of the Commission;

6. Concurs with the general thrust of the secretariat's strategic proposal on deployment of human resources contained in the document on reform measures, with a view to generating, while ensuring the optimum utilization of expertise available within the Commission and the United Nations system, more effective results, in accordance with the needs and requirements of the countries of the region, for a given amount of resources by adequately altering the mix of in-house staff and outsourced expertise and services, and welcomes further consultation between the secretariat and member States on the details of such a plan prior to implementation;

7. Recommends that, as reform of the United Nations proceeds in the economic, social and related areas, a clear division of responsibilities should be established with regard to regional activities in Latin America and the Caribbean between the Commission, on the one hand, and the programmes, agencies and funds of the United Nations system and regional intergovernmental organizations, on the other, with a view to achieving appropriate coordination and mutual reinforcement in their respective activities;

8. Requests the Executive Secretary of the Commission to continue to intensify, in the general context of the reform process of the United Nations in the economic, social and related areas, the reform measures referred to in the present resolution and in Commission resolution 553 (XXVI) and to report thereon to the Commission at its next session, to be held at Aruba in April 1998.

39th plenary meeting
23 July 1997

1997/55. Implementation of the World Programme of Action for Youth to the Year 2000 and Beyond, including a World Conference of Ministers Responsible for Youth

The Economic and Social Council,

Recalling General Assembly resolution 50/81 of 14 December 1995, by which the Assembly adopted the World Programme of Action for Youth to the Year 2000 and Beyond, annexed thereto, as an integral part of that resolution,

Noting especially that in paragraph 123 of the Programme of Action current regional and interregional conferences of ministers responsible for youth affairs in Africa, Asia, Europe, Latin America and the Caribbean and Western Asia were invited to intensify cooperation among each other and to consider meeting regularly at the international level under the aegis of the United Nations to provide an effective forum for a focused global dialogue on youth-related issues,

Noting also that in paragraph 124 of the Programme of Action youth-related bodies and organizations of the United Nations system were invited to cooperate with the above-mentioned conferences,

Welcoming the second session of the World Youth Forum of the United Nations System at Vienna from 25 to 29 November 1996, pursuant to General Assembly resolutions 44/59 of 8 December 1989 and 50/81, which was convened by the United Nations in partnership with the Austrian Federal Youth Council, and taking note of the report of the Forum,[218]

Mindful that the Secretary-General, in his report on the implementation of the World Programme of Action for Youth to the Year 2000 and Beyond,[219] recommended that action be taken to implement the global recommendations of the Programme of Action and that a report be submitted to the General Assembly through the Commission for Social Development on progress achieved and obstacles encountered,

Reiterating the call on all States that have not already done so to formulate and adopt an integrated national youth policy, in consultation with youth and youth-related organizations, as reflected in paragraph 112 of the Programme of Action,

1. Takes note with appreciation of the report of the Secretary-General on the implementation of the World Programme of Action for Youth to the Year 2000 and Beyond and of the report of the Secretary-General on cooperation of the

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[218] A/52/80-E/1997/14, annex.

[219] A/52/60-E/1997/6.

United Nations with the Government of Portugal in holding the World Conference of Ministers Responsible for Youth;[220]

2. Calls upon all States, all United Nations bodies, the specialized agencies, the regional commissions and the intergovernmental and non-governmental organizations concerned, in particular youth organizations, to make all possible efforts for the implementation of the World Programme of Action for Youth to the Year 2000 and Beyond, in accordance with their experience, situation and priorities;

3. Encourages the regional commissions, within their mandates, pursuant to the Programme of Action, to convene biennial meetings of regional youth non-governmental organizations, regional offices of youth-related bodies and organizations of the United Nations system and regional intergovernmental organizations to review and discuss issues and trends as well as regional action;

4. Stresses again the importance of the active and direct participation of youth and youth organizations at the local, national, regional and international levels in promoting and implementing the Programme of Action and in evaluating the progress achieved and obstacles encountered in its implementation, as well as the importance of the need to support the activities of youth mechanisms that have been set up by youth and youth organizations;

5. Welcomes the offer of the Government of Portugal to host the World Conference of Ministers Responsible for Youth, to be held at Lisbon from 8 to 12 August 1998 in cooperation with the United Nations, as well as its support to the holding of the third session of the World Youth Forum of the United Nations System, which is to be convened by the United Nations in partnership with the Portuguese National Youth Council at Braga, Portugal from 3 to 7 August 1998;

6. Notes with appreciation that the Government of Portugal has agreed to support the participation of ministers responsible for youth in the least developed countries as identified by the General Assembly;

7. Invites all States, youth-related bodies, organizations and agencies of the United Nations system, the intergovernmental organizations concerned, as well as non-governmental youth organizations, to support that Conference;

8. Recommends that the report of the Conference be submitted to the General Assembly at its fifty-fourth session through the Commission for Social Development at its thirty-seventh session.

39th plenary meeting
23 July 1997

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[220] E/1997/103.

1997/56. First regional meeting convened by the Economic Commission for Latin America and the Caribbean to evaluate the World Summit for Social Development

The Economic and Social Council,

Recalling paragraph 95 (h) of the Programme of Action of the World Summit for Social Development,[221] in which the Summit recommended that regional commissions, in cooperation with the regional intergovernmental organizations and banks, convene, on a biennial basis, a meeting at a high political level to review progress made towards implementing the outcome of the Summit, exchange views on their respective experiences and adopt the appropriate measures,

1. Welcomes the convening by the Economic Commission for Latin America and the Caribbean of the first regional meeting to evaluate the World Summit for Social Development, which was held at São Paolo from 6 to 9 April 1997 with the participation of high-level representatives of Latin American and Caribbean countries;

2. Expresses its appreciation for the final document of the meeting, known as the São Paolo Consensus, in which the signatories undertook, inter alia, commitments related to the implementation of the Programme of Action of the World Summit for Social Development;

3. Invites other regions to convene their respective evaluation meetings on the Summit.

39th plenary meeting
23 July 1997

1997/57. Enlargement of the Committee on Non-Governmental Organizations

The Economic and Social Council,

Recalling its decision 1995/304, by which it decided, inter alia, to increase, on the basis of equitable geographical representation, the current membership of the Committee on Non-Governmental Organizations and to implement that decision after the completion of its review of arrangements for consultation with non-governmental organizations,

Considering that, consistent with the practice of the Economic and Social Council and its subsidiary bodies in these matters, it would be desirable to receive the views of the Committee on Non-Governmental Organizations on this question,

Recognizing that the Committee is at present undertaking a review of its methods of work, that this review could have implications for the enlargement of the Committee, and that the Committee is therefore not yet in a position to present its final views to the Council,

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[221] Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995 (United Nations publication, Sales No. E.96.IV.8).

1. Requests the Committee on Non-Governmental Organizations to present its views on the enlargement of the Committee to the Council;

2. Decides to take a decision on this matter in 1998.

40th plenary meeting
23 July 1997

1997/58. Strengthening of the Non-Governmental Organizations Section of the United Nations Secretariat

The Economic and Social Council,

Noting that growing interest in the work of the United Nations on the part of non-governmental organizations has led to a very large increase in the number of applications for consultative status with the Economic and Social Council,

Noting also that the increase in the number of non-governmental organizations entails a consequent increase in the number of quadrennial reports to be considered by the Committee,

Recognizing the need for further improvements in the working methods of the Committee,

Recalling that in its resolution 1996/31, the Council placed additional responsibilities on the Non-Governmental Organizations Section of the Secretariat,

Recognizing the efforts of the staff of the Non-Governmental Organizations Section to respond to the vastly increased demands placed upon it in recent years,

1. Requests the Secretary-General to submit a report to the General Assembly at its fifty-second session setting out specific proposals to ensure that the current and foreseeable workload of the Non-Governmental Organizations Section can be met effectively and efficiently;

2. Recommends that the General Assembly, taking into account the report of the Secretary-General and measures taken by the Committee to improve its methods of work and to deal with this workload, provide the necessary human, financial and technical resources to the Non-Governmental Organizations Section to enable it to carry out its responsibilities, as set out in Council resolution 1996/31, efficiently, effectively and expeditiously.

40th plenary meeting
23 July 1997

1997/59. Operational activities of the United Nations for international development cooperation: follow-up to policy recommendations of the General Assembly

The Economic and Social Council,

Recalling General Assembly resolutions 47/199 of 22 December 1992 and 50/120 of 20 December 1995 on the triennial policy review of operational activities for development of the United Nations system as well as Assembly resolution 50/227 of 24 May 1995 on further measures for the restructuring and revitalization of the United Nations in the economic, social and related fields and Economic and Social Council resolution 1996/42 of 26 July 1996,

Recalling also that, in order to fulfil its coordination role and in accordance with the policies formulated by the General Assembly, the Council should consider, on an annual basis in the operational activities segment, the overall financial picture of the United Nations funds and programmes, including the availability of resources, the priorities and programmes agreed upon in the funds and programmes, the adopted targets and further guidance on priorities, and should make recommendations thereon to the Assembly and the funds and programmes,

Reaffirming that operational activities for development within the United Nations system have a critical and unique role to play in enabling developing countries to continue to take a lead role in the management of their own development process and that the funds and programmes constitute important vehicles for advancing international development cooperation,

Noting with regret that, although significant progress has already been made on the restructuring and rationalization of the governance and functioning of the United Nations funds and programmes, there has not been, as part of the overall reform process, any substantial increase in resources for operational activities for development on a predictable, continuous and assured basis and that the consultations on prospective new modalities for financing have not reached a conclusion,

Expressing serious concern at the persistent insufficiency of resources for the operational development activities of the United Nations, in particular the decline in contributions to core resources,

Recognizing the importance of non-core resources as a supplement to core resources aimed at enhancing the capacity of the United Nations development system to deliver operational activities,

Stressing that the fundamental characteristics of the operational activities of the United Nations system should be, inter alia, their universal, voluntary and grant nature, their neutrality and their multilateralism, as well as their ability to respond to the needs of developing countries in a flexible manner, and that the operational activities of the United Nations system are carried out for the benefit of the developing countries at the request of those countries and in accordance with their own policies and priorities for development,

Recognizing the need for priority allocation of scarce grant resources to programmes and projects in low-income countries, in particular the least developed among them,

Also recognizing that the United Nations development system should take into account the specific needs and requirements of the countries with economies in transition,

Noting with appreciation the sustained contributions of many donors and recipient countries to the operational activities for development in a spirit of partnership and the recently expressed willingness of some donors to increase their contribution to the funds and programmes, Recognizing that capacity-building and its sustainability are an essential element for the operational activities of the United Nations system at the country level, which should be country-led and country-driven, bearing in mind the individual mandates and complementarities of the organizations and bodies of the United Nations development system,

Noting that General Assembly resolution 50/120, Council resolution 1996/42 and the present resolution provide an opportunity to review all aspects of operational activities,

Noting as well that much remains to be done to achieve the goals set by the General Assembly in its resolution 50/120,

1. Takes note of the reports of the Secretary-General[222] and the reports of the United Nations funds and programmes;[223]

2. Strongly reaffirms that the efficiency, effectiveness and impact of the operational activities of the United Nations system must be enhanced by, inter alia, a substantial increase in their funding on a predictable, continuous and assured basis, commensurate with the increasing needs of developing countries, as well as through the full implementation of General Assembly resolutions 47/199, 48/162 of 20 December 1993, 50/120 and 50/227;

3. Urges the developed countries, in particular those countries whose overall performance is not commensurate with their capacity, taking into account established official development assistance targets, including targets established at the Second United Nations Conference on the Least Developed Countries, and their current level of contribution, to increase substantially their official development assistance, including contributions to the operational activities for development of the United Nations system;

4. Stresses that other countries that are in a position to do so should strive to augment their assistance in the framework of development cooperation;

5. Recommends that the Executive Boards of the United Nations funds and programmes review and monitor their funding arrangements, as a matter of priority and within the context of their regular meetings, with a view to making funding more secure and predictable with respect to core resources and with a view to meeting their funding targets, their programme objectives and the priorities and needs of programme countries, and calls upon the Executive Boards to take decisions on their own funding arrangements in accordance with General Assembly resolution 50/227, in particular annex I, paragraph 12, and to report thereon to the Council at its substantive session of 1998;

6. Requests the Secretary-General to update proposals for funding modalities within the context of the efforts to provide United Nations operational activities with resources, in particular core resources, on a predictable, continuous and assured basis, taking into account that voluntary contributions from official sources should remain the main source for funding those activities;

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[222] A/52/155-E/1997/68 and Add.1, E/1997/65 and Add.1-4, E/1997/78 and E/1997/89.

[223] E/1997/32 (Parts I and II), E/1997/34 and Add.1, E/1997/49, E/1997/59, E/1997/72, E/1997/79, E/1997/L.20, DP/1997/6, DP/1997/12 and DP/1997/22.

7. Reaffirms that the objective of capacity-building and its sustainability should continue to be an essential part of the operational activities of the United Nations system at the country level, should be country-driven and situation specific, and should be based on the programme approach, to the extent possible, consistent with national development plans and priorities;

8. Takes note of the preparations for the impact evaluation of operational activities on capacity-building requested in paragraph 56 of General Assembly resolution 50/120, and invites the bodies of the United Nations system to participate actively and to support the ongoing study of the Secretariat;

9. Emphasizes that capacity-building should aim at strengthening national execution, particularly with regard to the institutional and human resource development of all relevant participants in the development process, with a view to enhancing local ownership and management of the development process, utilizing available local capacities and expertise;

10. Reaffirms that the United Nations development system should continue to work on developing a common understanding of the concept of capacity-building as it applies to the respective mandates of each organization, taking into account the experience acquired to date and the new and emerging requirements of programme countries;

11. Requests the Secretary-General, in the context of the preparations for the next triennial policy review, to report to the General Assembly, through the Council, on the implementation of Assembly resolution 50/120, Council resolution 1996/42 and the present resolution and on the progress made and problems encountered and to make appropriate recommendations, including recommendations on delegating authority and decision-making to the field-level staff, establishing a more coordinated system-wide approach to monitoring and evaluation, and strengthening the coordination of regional, subregional and field-level activities of the United Nations system.

41st plenary meeting
24 July 1997

1997/60. Eradication of poverty

The Economic and Social Council,

Recalling its agreed conclusions 1996/1 on the coordination of United Nations system activities for poverty eradication,

Taking note of the report of the Secretary-General on the implementation of the agreed conclusions of the 1996 coordination segment of the Council on the eradication of poverty,[224]

1. Reaffirms that the goal of eradicating poverty in the world is an ethical, social, political and economic imperative;

2. Also reaffirms that the Council will continue to provide overall guidance and oversee system-wide coordination in the implementation of its

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[224] E/1997/58.

agreed conclusions 1996/1 on the eradication of poverty by all organizations of the United Nations system;

3. Stresses the need for implementation by the United Nations system of agreed conclusions 1996/1 of the Council as regards coordinated United Nations support and the availability of resources for poverty eradication activities at the field level;

4. Welcomes the steps already taken by its functional commissions, in particular the Commission for Social Development and the Commission on the Status of Women, to implement the recommendations of the Council on the coordination of the multi-year programmes of the functional commissions related to poverty eradication, and calls upon all relevant functional commissions to implement fully the recommendations contained in its agreed conclusions 1996/1;

5. Decides, in accordance with its agreed conclusions 1996/1, to carry out in 1999, under the agenda item on integrated and coordinated implementation and follow-up of the major United Nations conferences and summits, an overall review of the theme of poverty eradication in order to contribute to the special session of the General Assembly in the year 2000 for the overall review of the World Summit for Social Development and to the five-year review of the Beijing Platform for Action[225] also in the year 2000.

42nd plenary meeting
25 July 1997

1997/61. Integrated and coordinated implementation and follow-up of the major United Nations conferences and summits

The Economic and Social Council,

Recalling General Assembly resolutions 45/264 of 13 May 1991 on restructuring and revitalization of the United Nations in the economic, social and related fields, 46/235 of 13 April 1992, 48/162 of 20 December 1993 and 50/227 of 24 May 1996 on further measures for the restructuring and revitalization of the United Nations in the economic, social and related fields and 51/240 on the Agenda for Development, as well as agreed conclusions 1995/1 of the Council on coordinated follow-up by the United Nations system and implementation of the results of the major international conferences organized by the United Nations in the economic, social and related fields, and its resolution 1996/36 on follow-up to the major international United Nations conferences and summits, including the implementation of their respective programmes of action,

Recognizing the efforts made by the Secretary-General, through the Administrative Committee on Coordination, to establish coordinating inter-agency mechanisms in support of integrated and coordinated follow-up of the major international conferences and summits,

Recognizing also that coordinated follow-up implies that the major conferences should be viewed as interlinked and as contributing to an integrated framework of and a global partnership for development, and that in this context, the major cross-cutting themes established in the world conferences need to be identified and built upon,

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[225] Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution I, annex II.

Taking note of the report of the Secretary-General on integrated and coordinated implementation and follow-up of the major United Nations conferences and summits[226] and of the report of the Director-General of the Food and Agriculture Organization of the United Nations on the outcome of the World Food Summit,[227] including action to be taken to follow-up the outcome at all appropriate levels,

1. Stresses the need to further promote integrated and coordinated implementation and follow-up of the major international conferences in the economic, social and related fields;

2. Reaffirms that system-wide gender mainstreaming must form an integral part of the implementation of the decisions of recent United Nations conferences and summits;

3. Welcomes the decision taken by the Administrative Committee on Coordination to integrate the follow-up of the World Food Summit and the United Nations Conference on Human Settlements (Habitat II) within the context of integrated and coordinated implementation and follow-up of United Nations conferences;

4. Requests all organizations of the United Nations system to further integrate the results of the major international conferences and summits into their programmes of work, to promote the effective implementation of the goals and commitments established by the United Nations conferences and to continue to contribute relevant information, analyses and assessments thereon in support of the Council's own thematic and action-oriented reviews; in this context, consideration may be given to the possibility of bringing out, on the basis of national reporting, a country-wide compendium of best practices as regards the implementation of the goals and commitments at the field level;

5. Reaffirms the need to continue to ensure the harmonization and coordination of the agendas and work programmes of the functional commissions by promoting a clearer division of labour among them and by providing clear policy guidance to them, decides that to this end the Council could periodically organize meetings on specific issues to allow for more dialogue with the chairpersons and the secretariats, as appropriate, of the functional commissions, other subsidiary and related bodies and the relevant executive boards and that the Bureau should also assist the Council in identifying economic, social and related issues for discussion at its sessions and should maintain contacts with the bureaux of the functional commissions and other subsidiary bodies, thus allowing for better interaction between the Council and those bodies and assisting the Council in fulfilling its role, and stresses that the Secretariat should assist the Council by ensuring that all functional commissions are made aware of the relevant recommendations of the Council and of the relevant work of other functional commissions so that they are well focused and supportive of each other's work programmes;

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[226] E/1997/73.

[227] A/52/132-E/1997/57, annex.

6. Stresses the importance of ensuring that reports on conference follow-up submitted to the Council and its functional commissions draw on the experience gained at all levels, and for this purpose, also stresses the need to enhance cooperation in the preparation of such reports between relevant departments of the United Nations Secretariat and the United Nations funds and programmes;

7. Decides to take appropriate measures to ensure that the regional commissions, within their respective mandates and priorities, can carry out their important role in assisting countries in each region in the integrated implementation of the recommendations of the major United Nations conferences and summits, as well as measures to ensure the active participation of the regional commissions relating to the implementation at the regional level of the results of major United Nations conferences; to this end, the Council shall continue to enhance coordination with and among the regional commissions, inter alia by ensuring more effective participation by them in the substantive work of the Council in relation to conference follow-up;

8. Stresses the need for the Administrative Committee on Coordination to ensure that the highest priority continues to be given to the integrated and coordinated implementation and follow-up of the major United Nations conferences and summits;

9. Stresses also the need for the Administrative Committee on Coordination to ensure that there is effective inter-agency support for the work of the intergovernmental bodies dealing with conference follow-up, including the Council and its functional commissions, that there is regular updating and feedback on the incorporation of the work of the task forces at the country level, and that the Council is kept fully informed of the work and decisions of that Committee concerning integrated and coordinated implementation and follow-up of the major United Nations conferences and summits;

10. Encourages the Administrative Committee on Coordination to include, in its comprehensive review of the integrated and coordinated implementation and follow-up of the major United Nations conferences and summits, information on the progress in the area of statistics and indicators, taking into account the work done by the Statistical Commission as well as other ongoing work, particularly the work being done in developing countries;

11. Calls upon the organizations of the United Nations system to continue to give priority attention to the provision of effective support to the resident coordinators, including the full utilization and implementation of the outputs of the task forces;

12. Stresses the need for a partnership with the organizations of civil society in the integrated and coordinated implementation and follow-up of the major United Nations conferences and summits;

13. Reiterates the importance of the provisions on the mobilization of resources contained in its agreed conclusions 1995/1 for the effective implementation of the results of the major international conferences in the economic, social and related fields;

14. Decides to include the item entitled "Integrated and coordinated implementation and follow-up of the major United Nations conferences and summits" in the agenda of its substantive session on an annual basis, and requests the Secretary-General, in cooperation with organizations of the United

Nations system, to submit to it a report on the progress achieved by the United Nations system at the intergovernmental, inter-agency and country levels, with specific recommendations on ways to enhance the integrated and coordinated implementation and follow-up of the major United Nations conferences and summits.

42nd plenary meeting
25 July 1997

1997/62. Science and technology for development

The Economic and Social Council,

Recognizing, without prejudice to the ongoing review being undertaken on the implementation of General Assembly resolution 50/227 of 24 May 1995 with regard to its subsidiary bodies, the role of the Commission on Science and Technology for Development as a forum for the examination of science and technology questions, for improving understanding of science and technology policies for development, and for the formulation of recommendations and guidelines on science and technology matters within the United Nations system, all in relation to development,

Also recognizing that the Commission, in carrying out its work, should pay special attention to the needs and requirements of developing countries, in particular the least developed countries and landlocked and small island developing States, and that it should in addition take into consideration the relevant problems of countries with economies in transition,

Taking note with appreciation of the report of the Commission's Working Group on Information and Communication Technologies for Development[228] and the conclusions and recommendations contained therein,

Recognizing that the social and economic potential of information and communication technologies is enormous, and that the risks for those without the capabilities to access, design, produce and use the new products and service applications may lead to their marginalization from active participation in the global economy,

Noting with satisfaction the report on the scientific and technological aspects of sustainable energy systems,[229]

Also noting with satisfaction the report by the Gender Advisory Board on its work,[230]

Further noting with satisfaction that the science, technology and innovation policy reviews directed at a broad spectrum of sectors, including industry, social sectors and government itself, have started with one review already completed, another under way and a third awaiting financing,

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[228] See E/CN.16/1997/4.

[229] See E/CN.16/1997/3.

[230] As summarized in E/CN.16/1997/8, paras. 19-22.

Noting the other relevant documentation submitted to the Commission for consideration at its third session,[231]

Also noting that the fourth session of the Commission is scheduled to take place twenty years after the United Nations Conference on Science and Technology for Development, held at Vienna, and recognizing that there is a need to define a new vision and to enhance continuously the role for the United Nations system in the area of science and technology for development,

Recalling Commission decision 2/101 on its working methods, which was ratified by the Council,

Recognizing that enhanced transparency and accountability are essential for the efficient and effective functioning of the Commission,

Welcoming the initiative taken by the United Nations Educational, Scientific and Cultural Organization in holding a World Science Conference in 1999 to strengthen the commitment of countries to scientific research and development in the service of societal progress,

Activities to follow up the earlier work of the Commission

A. Information and communication technologies for development

1. Recommends that all developing countries and countries with economies in transition establish a national strategy for information and communication technologies, taking into account, inter alia, the guidelines proposed by the Working Group on Information and Communication Technologies for Development of the Commission on Science and Technology for Development, and that where such strategies already exist, they could be reviewed in the light of those guidelines;

2. Recommends that action be taken by national Governments to establish a task force or commission, or to ensure that an existing entity be charged with the design of the national strategy for information and communication technologies;

3. Invites countries, in order to facilitate the exchange of experience among them at the international and regional levels, to prepare a report on their strategies for information and communication technologies for the next session of the Commission, to be held in 1999, and stresses that the reports should include the priorities of each national strategy, the mechanisms for updating, and the procedures for implementing the strategy and that, to enhance the value of the reports, consideration might be given to the organization of workshops, all of which should be financed from extrabudgetary resources;

4. Invites relevant bodies of the United Nations system to assess their capability to provide assistance and promote cooperation in the area of information and communication technologies and to suggest areas in which they are best able to assist developing countries and countries with economies in transition in the design and implementation of their national strategies for information and communication technologies;

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[231] E/CN.16/1997/2, E/CN.16/1997/5 and E/CN.16/1997/7; E/CN.16/1997/CRP.1-5; and E/CN.16/1997/Misc.1-5.

5. _Requests_ the secretariat of the Commission to synthesize the results of those assessments and to hold an inter-agency meeting within existing resources in cooperation with the Commission to review that synthesis;

6. _Invites_ Governments, the public and business sectors, academia and non-governmental organizations in industrialized countries to engage in technological cooperation activities with their counterparts in developing countries and countries with economies in transition in order to facilitate their access to and encourage the use, production and development of information and communication technologies and to ensure their effective participation in building the global information infrastructure;

7. _Requests_ the Commission to identify an independent institute to prepare a study, subject to the availability of extrabudgetary resources, for the next session of the Commission on new forms of resource generation, focusing on information and communication technologies that might support social and economic development priorities;

B. _Science, technology and innovation policy reviews_

8. _Decides_ that the Commission shall organize a workshop comparing experience in science, technology and innovation policy or similar reviews in developing countries and countries with economies in transition in order to stimulate a learning process in those innovative efforts, subject to the availability of extrabudgetary resources;

9. _Recommends_ the continuation of cooperation between the Commission and the United Nations Conference on Trade and Development on science, technology and information policy reviews;

C. _Common vision of the future of science and technology for development_

10. _Recommends_ that the Commission, in the form of expert group meetings, carry out a programme of preparation, as outlined in the report of the meeting of the preparatory working group on that subject, held at Geneva on 20 and 21 December 1996,[232] taking into account regional inputs;

D. _Gender Advisory Board_

11. _Requests_ the Gender Advisory Board to continue its work as reported, in collaboration with all relevant organizations, in particular those within the United Nations system;

E. _New substantive theme and other activities_

12. _Decides_ that the substantive theme for the inter-sessional period 1997-1999 will be "Science and technology partnerships and networking for national capacity-building" and that the theme will include North-South as well as South-South partnerships and networks involving, _inter alia_, enterprises, educational bodies, research institutions, governmental science and technology

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[232] See E/CN.16/1997/CRP.2.

departments, and other actors in the field of science and technology, with particular attention to be paid to biotechnology and energy;

13. Also decides to hold a panel meeting on biotechnology and its impact on development, bringing together country experts and experts from relevant institutions and United Nations agencies working on that subject, in order to identify critical issues relevant to development that are not sufficiently covered by existing forums, with particular attention to food production, and in order to recommend how further work on those issues might be undertaken;

F. Budget and inter-sessional activities

14. Recommends that at future sessions of the Commission, the report on the budget and inter-sessional activities of the Commission be considered under a separate agenda item;

G. Coordination of science and technology for development in the United Nations system

15. Decides that the secretariat of the Commission on Science and Technology for Development shall be requested to study the possibility of setting up, in collaboration with other United Nations bodies, including regional commissions, an electronic network on their activities in science and technology for development, making that network widely accessible to science and technology institutes around the world;

16. Also decides that in order to promote better interaction with United Nations bodies, especially the regional commissions, the Commission shall give consideration to including suitably qualified members of those bodies in the working groups of the Commission and that, in addition, meetings of the Commission's working groups might be held in the offices of the regional commissions, whenever possible;

H. Coalition of resources

17. Recommends that a workshop be convened by the Commission on Science and Technology for Development to provide a forum for coalition of resources, particularly in relation to information and communication technologies.

42nd plenary meeting
25 July 1997

1997/63. Programme of work of the Commission on Sustainable Development for the period 1998-2002 and future methods of work of the Commission

The Economic and Social Council

1. Approves the multi-year programme of work for the Commission on Sustainable Development, 1998-2002, as recommended by the General Assembly at its nineteenth special session;[233]

2. Invites the Commission to draw up the provisional agendas for its future sessions in accordance with the approved multi-year programme of work, without prejudice to rules 5 to 9 of the rules of procedure of the functional commissions of the Economic and Social Council;

3. Approves the following provisional agenda for the sixth session of the Commission:

    1. Election of officers.
    2. Adoption of the agenda and other organizational matters.
    3. Sectoral theme: strategic approaches to freshwater management.
    4. Cross-sectoral theme: transfer of technology/capacity-building/education/science/awareness-raising.
    5. Economic sector/major group: industry.
    6. Review of progress in the implementation of the Programme of Action for the Sustainable Development of Small Island Developing States (those chapters of the Programme of Action that were not covered in the in-depth review carried out at the fourth session of the Commission).
    7. Other matters.
    8. Provisional agenda of the seventh session.
    9. Adoption of the report.

4. Invites the Commission to adjust its future methods of work in accordance with the provisions of paragraphs 132 and 133 of the Programme for the Further Implementation of Agenda 21;[234]

5. Decides that during the period 1998-2002 the Commission should continue the practice of establishing, subject to the approval by the Council, up to two inter-sessional ad hoc working groups in a given year with a view to assisting the Commission in the preparations for its forthcoming regular sessions;

6. Also decides that the issues to be addressed by such inter-sessional ad hoc working groups should, as a rule, be decided by the Commission in the

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[233] General Assembly resolution S-19/2, appendix.

[234] General Assembly resolution S-19/2, annex.

context of its consideration of the provisional agendas of its forthcoming sessions and taking into account the provisions of paragraph 133 (f) of the Programme for the Further Implementation of Agenda 21;

7. Further decides that, on an exceptional basis, the provisional agendas of the 1998 meetings of the inter-sessional ad hoc working group or groups of the Commission will be recommended by the Bureau of the Commission in consultation with member States;

8. Decides on the following future arrangements for the election of the bureau of the Commission in order to implement the provisions of paragraph 136 of the Programme for Further Implementation of Agenda 21:

(a) The Commission, immediately following the closure of a regular session, will hold the first meeting of its subsequent regular session for the sole purpose of electing the new chairman and other members of the bureau in accordance with rule 15 of the rules of procedure of the functional commissions of the Council;

(b) In this context, the provisions of paragraph (d) of its decision 1993/207 of 12 February 1993 apply only to the substantive part of the Commission's sessions;

(c) The terms of office of the members of the Commission will begin immediately after the conclusion of work of the Commission's regular session held after 1 January, following their election by the Council (at its resumed organizational session of the previous year) and will end at the conclusion of the regular session held after 1 January following the election of the States that are to succeed them as members of the Commission, unless they are re-elected;

(d) The Council will decide on the specific modalities for the period of transition from the current arrangements to those outlined above at its resumed substantive session of 1997.

42nd plenary meeting
25 July 1997

1997/64. Working languages of the Subcommission on Illicit Drug Traffic and Related Matters in the Near and Middle East

The Economic and Social Council,

Recalling its decisions 1993/246 of 27 July 1993 and 1996/248 of 23 July 1996, by which it authorized the enlargement of the membership of the Subcommission on Illicit Drug Traffic and Related Matters in the Near and Middle East,

Noting that, of a total membership of 24 States, six States, namely Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, use Russian as the working lingua franca of their drug law enforcement agencies,

1. Decides that the Subcommission on Illicit Drug Traffic and Related Matters in the Near and Middle East shall use Arabic, English and Russian as its working languages for future sessions;

2. Requests the Secretary-General to adopt the necessary measures and provide the financial resources required for the implementation of the present resolution.

42nd plenary meeting
25 July 1997

1997/65. Establishment of an ad hoc open-ended Intergovernmental Forum on Forests

The Economic and Social Council,

Recalling its decision 1995/226, approving the establishment of an ad hoc open-ended intergovernmental panel on forests to pursue consensus and formulate coordinated proposals for action towards the management, conservation and sustainable development of all types of forests,

Recognizing that the management, conservation and sustainable development of all types of forests is a crucial factor in economic and social development, environmental protection and the Earth's life-support system,

Taking into account the decision taken by the General Assembly at its nineteenth special session to continue the intergovernmental policy dialogue on forests through the establishment of an ad hoc open-ended Intergovernmental Forum on Forests under the aegis of the Commission on Sustainable Development to work in an open, transparent and participatory manner, with a focused and time-limited mandate, charged with, *inter alia*, (a) promoting and facilitating the implementation of the proposals for action of the Intergovernmental Panel on Forests; (b) reviewing, monitoring and reporting on progress in the management, conservation and sustainable development of all types of forests; and (c) considering matters left pending as regards the programme elements of the Intergovernmental Panel, in particular trade and environment in relation to forest products and services, transfer of technology and the need for financial resources,[235]

Also taking into account the decision of the General Assembly at its nineteenth special session that the Forum should identify the possible elements of and work towards consensus on international arrangements and mechanisms, for example, a legally binding instrument, and should report on its work to the Commission on Sustainable Development in 1999; based on that report, and depending on the decision of the Commission at its eighth session, the Forum should engage in further action on establishing an intergovernmental negotiation process on new arrangements and mechanisms or a legally binding instrument on all types of forests; the Forum should convene as soon as possible to further elaborate its terms of reference and decide on organizational matters; and the Forum should be serviced by a small secretariat within the Department of Economic and Social Affairs of the Secretariat, supported by voluntary extrabudgetary contributions from Governments and international organizations,[236]

1. Decides to establish, under the aegis of the Commission on Sustainable Development, an ad hoc, open-ended Intergovernmental Forum on Forests as

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[235] Ibid., annex, para. 40 (a)-(c).

[236] Ibid., annex, paras. 40 and 41.

envisaged above, which will report to the Commission on Sustainable Development at its eighth session in 2000;

2. Also decides that the Forum should hold its first (organizational) session in New York from 1 to 3 October 1997 so that the preparations for its substantive sessions can start without delay;

3. Decides that, at its first session, the Forum will schedule its work programme, decide on the modalities of its work, including the election and designation of officers, and recommend to the Council the number, venue and duration of its substantive sessions, which could be up to two weeks each, and recognizing the wide range of issues to be addressed, decides that the Forum may consider dividing its work between in-session working groups, on the understanding that no more than two working groups would meet simultaneously;

4. Decides that the Forum should be serviced by a small secretariat within the secretariat of the Commission on Sustainable Development, supported by voluntary extrabudgetary contributions from Governments and international organizations, that the operation of the Forum will require funding to support activities as well as meetings and participation by representatives of developing countries and major groups from developing countries, that the participation of major groups should be in accordance with the rules of procedure of the Commission and that in this regard the following sources of funding should be considered: voluntary extrabudgetary contributions from Governments and international organizations to support the work of the Forum; secondments from international organizations; and in-kind contributions from countries and international organizations, including the hosting of meetings;

5. Encourages interested Governments and organizations to make early voluntary contributions to ensure that the work of the Forum starts quickly;

6. Recommends that support from the United Nations system should, as far as possible, be derived from the reallocation of resources within the existing budgets of United Nations bodies in order to respond to high-priority activities.

42nd plenary meeting
25 July 1997

1997/66. Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations

The Economic and Social Council,

Having examined the report of the Secretary-General[237] and the report of the President of the Economic and Social Council on consultations held with the Chairman of the Special Committee on the Situation with regard to the

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[237] A/52/185.

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,[238]

Having heard the statement by the representative of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,[239]

Recalling General Assembly resolutions 1514 (XV) of 14 December 1960 and 1541 (XV) of 15 December 1960, the resolutions of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, and other relevant resolutions and decisions, in particular Economic and Social Council resolution 1996/37 of 26 July 1996,

Bearing in mind the relevant provisions of the final documents of the successive Conferences of Heads of State or Government of Non-Aligned Countries and of the resolutions adopted by the Assembly of Heads of State and Government of the Organization of African Unity, the South Pacific Forum and the Caribbean Community,

Conscious of the need to facilitate the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Noting that the large majority of the remaining Non-Self-Governing Territories are small island Territories,

Welcoming the assistance extended to Non-Self-Governing Territories by certain specialized agencies and other organizations of the United Nations system, in particular the United Nations Development Programme,

Stressing that, because the development options of small island Non-Self-Governing Territories are limited, there are special challenges to planning for and implementing sustainable development and that those Territories will be constrained in meeting the challenges without the continued cooperation and assistance of the specialized agencies and other organizations of the United Nations system,

Stressing the importance of securing necessary resources for funding expanded assistance programmes for the peoples concerned and the need to enlist the support of all major funding institutions within the United Nations system in that regard,

Reaffirming the mandates of the specialized agencies and other organizations of the United Nations system to take all the appropriate measures, within their respective spheres of competence, to ensure the full implementation of General Assembly resolution 1514 (XV) and other relevant resolutions,

Expressing its appreciation to the Organization of African Unity, the South Pacific Forum, the Caribbean Community and other regional organizations for the continued cooperation and assistance they have extended to the specialized agencies and other organizations of the United Nations system in this regard,

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[238] E/1997/81.

[239] E/1997/SR.40.

Expressing its conviction that closer contacts and consultations between and among the specialized agencies and other organizations of the United Nations system and regional organizations help to facilitate the effective formulation of assistance programmes to the peoples concerned,

Mindful of the imperative need to keep under continuous review the activities of the specialized agencies and other organizations of the United Nations system in the implementation of the various United Nations decisions relating thereto,

Bearing in mind the extremely fragile economies of the small island Non-Self-Governing Territories and their vulnerability to natural disasters, such as hurricanes, cyclones and sea level rise, and recalling other relevant General Assembly resolutions,

Recalling General Assembly resolution 51/141 of 13 December 1996 on cooperation and coordination of the specialized agencies and the international institutions associated with the United Nations in their assistance to Non-Self-Governing Territories,

1. Takes note of the report of the President of the Economic and Social Council on his consultations with the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples[238] and endorses the observations and suggestions arising therefrom;

2. Also takes note of the report of the Secretary-General;[237]

3. Recommends that all States intensify their efforts in the specialized agencies and other organizations of the United Nations system to ensure the full and effective implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV), and other relevant resolutions of the United Nations;

4. Reaffirms that the specialized agencies and other organizations and institutions of the United Nations system should continue to be guided by the relevant resolutions of the United Nations in their efforts to contribute to the implementation of the Declaration and all other relevant General Assembly resolutions;

5. Reaffirms also that the recognition by the General Assembly, the Security Council and other United Nations organs of the legitimacy of the aspirations of the peoples of Non-Self-Governing Territories to exercise their right to self-determination entails, as a corollary, the extension of all appropriate assistance to those peoples;

6. Expresses its appreciation to those specialized agencies and other organizations of the United Nations system that have continued to cooperate with the United Nations and the regional and subregional organizations in the implementation of General Assembly resolution 1514 (XV) and other relevant resolutions of the United Nations, and requests all the specialized agencies and other organizations of the United Nations system to implement the relevant provisions of those resolutions;

7. Requests the specialized agencies and other organizations of the United Nations system and international and regional organizations to examine

and review conditions in each Territory so as to take appropriate measures to accelerate progress in the economic and social sectors of the Territories;

8. Requests the specialized agencies and the international institutions associated with the United Nations and regional organizations to strengthen existing measures of support and formulate appropriate programmes of assistance to the remaining Non-Self-Governing Territories, within the framework of their respective mandates, in order to accelerate progress in the economic and social sectors of those Territories;

9. Recommends that the executive heads of the specialized agencies and other organizations of the United Nations system formulate, with the active cooperation of the regional organizations concerned, concrete proposals for the full implementation of the relevant resolutions of the United Nations and submit the proposals to their governing and legislative organs;

10. Also recommends that the specialized agencies and other organizations of the United Nations system continue to review at the regular meetings of their governing bodies the implementation of General Assembly resolution 1514 (XV) and other relevant resolutions of the United Nations;

11. Welcomes the continued initiative exercised by the United Nations Development Programme in maintaining close liaison among the specialized agencies and other organizations of the United Nations system and in providing assistance to the peoples of Non-Self-Governing Territories;

12. Encourages Non-Self-Governing Territories to take steps to establish and/or strengthen disaster preparedness and management institutions and policies;

13. Requests the administering Powers concerned to facilitate the participation of appointed and elected representatives of Non-Self-Governing Territories in the relevant meetings and conferences of the agencies and organizations so that the Territories may benefit from the related activities of the specialized agencies and other organizations of the United Nations system;

14. Recommends that all Governments intensify their efforts in the specialized agencies and other organizations of the United Nations system of which they are members to accord priority to the question of providing assistance to the peoples of the Non-Self-Governing Territories;

15. Draws the attention of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to the present resolution and to the discussion held on the subject at the substantive session of 1997 of the Economic and Social Council;

16. Requests the President of the Economic and Social Council to continue to maintain close contact on these matters with the Chairman of the Special Committee and to report thereon to the Council;

17. Requests the Secretary-General to follow the implementation of the present resolution, paying particular attention to cooperation and integration arrangements for maximizing the efficiency of the assistance activities undertaken by various organizations of the United Nations system, and to report thereon to the Council at its substantive session of 1998;

18. Decides to keep these questions under continuous review.

42nd plenary meeting
25 July 1997

1997/67. Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan

The Economic and Social Council,

Recalling General Assembly resolution 51/190 of 16 December 1996,

Recalling also its resolution 1996/40 of 26 July 1996,

Guided by the principles of the Charter of the United Nations, affirming the inadmissibility of the acquisition of territory by force, and recalling relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 465 (1980) of 1 March 1980 and 497 (1981) of 17 December 1981,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[240] to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

Stressing the importance of the revival of the Middle East peace process on the basis of Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973 and 425 (1978) of 19 March 1978, and the principle of land for peace as well as the full and timely implementation of the agreements reached between the Government of Israel and the Palestine Liberation Organization, the representative of the Palestinian people,

Reaffirming the principle of the permanent sovereignty of people under foreign occupation over their natural resources,

Convinced that the Israeli occupation impedes efforts to achieve sustainable development and sound economic environment in the occupied Palestinian territory, including Jerusalem, and the occupied Syrian Golan,

Gravely concerned about the deterioration of the economic and living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population of the occupied Syrian Golan, and the exploitation by Israel, the occupying Power, of their natural resources,

Aware of the important work being done by the United Nations and the specialized agencies in support of the economic and social development of the Palestinian people,

Conscious of the urgent need for the development of the economic and social infrastructure of the occupied Palestinian territory, including Jerusalem, and for the improvement of the living conditions of the Palestinian people as a key element of a lasting peace and stability,

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[240] United Nations, Treaty Series, vol. 75, No. 973.

1. Stresses the need to preserve the territorial integrity of all of the occupied Palestinian territory and to guarantee the freedom of movement of persons and goods in the territory, including the removal of restrictions into and from East Jerusalem, and the freedom of movement to and from the outside world;

2. Stresses further the vital importance of the operation and construction of the Gaza airport, the seaport in Gaza and safe passage to the economic and social development of the Palestinian people;

3. Calls upon Israel, the occupying Power, to cease its measures against the Palestinian people, in particular, the closure of the occupied Palestinian territory, the enforced isolation of Palestinian towns, the destruction of homes and the isolation of Jerusalem;

4. Reaffirms the inalienable right of the Palestinian people and the Arab population of the occupied Syrian Golan to all their natural and economic resources, and calls upon Israel, the occupying Power, not to exploit, endanger, or cause loss or depletion of these resources;

5. Also reaffirms that Israeli settlements in the occupied Palestinian territory, including Jerusalem, and the occupied Syrian Golan are illegal and an obstacle to economic and social development;

6. Stresses the importance of the work of the organizations and agencies of the United Nations, and of the United Nations Special Coordinator in the Occupied Territories under the auspices of the Secretary-General;

7. Urges Member States to encourage private foreign investment in the occupied Palestinian territory, including Jerusalem, in infrastructure, job-creation projects and social development, in order to alleviate the hardship of the Palestinian people and improve their living conditions;

8. Requests the Secretary-General to submit to the General Assembly at its fifty-third session, through the Economic and Social Council, a report on the implementation of the present resolution and to continue to include, in the report of the United Nations Special Coordinator in the Occupied Territories, an update on the living conditions of the Palestinian people, in collaboration with relevant organizations and agencies of the United Nations;

9. Decides to include the item henceforth to be entitled "Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and the Arab population in the occupied Syrian Golan" in the agenda of its substantive session of 1998.

42nd plenary meeting
25 July 1997

1997/212 B. Elections to subsidiary and related bodies of the Economic and Social Council, appointments, nominations and confirmation of representatives on the functional commissions

1. At its 3rd and 4th plenary meetings, on 1 May 1997, the Economic and Social Council took the following action with regard to vacancies in its subsidiary and related bodies:

Elections

STATISTICAL COMMISSION

The following eight Member States were elected for a four-year term beginning on 1 January 1998: ARGENTINA, AUSTRALIA, BOTSWANA, CÔTE D'IVOIRE, GERMANY, ICELAND, RUSSIAN FEDERATION and TUNISIA.

COMMISSION ON POPULATION AND DEVELOPMENT

The following 15 Member States were elected for a four-year term beginning on 1 January 1998: CHINA, INDIA, JAMAICA, MALAWI, MEXICO, NIGER, NIGERIA, PHILIPPINES, REPUBLIC OF KOREA, RUSSIAN FEDERATION, SOUTH AFRICA, SWEDEN, UKRAINE, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND and UNITED STATES OF AMERICA.

THAILAND was elected for a term beginning on the date of election and expiring on 31 December 2000.

The Council postponed to a future session the election of one member from Latin American and Caribbean States for a four-year term beginning on 1 January 1998 and two members for a term beginning on the date of election and expiring on 31 December 2000.

COMMISSION ON HUMAN RIGHTS

The following 24 Member States were elected for a three-year term beginning on 1 January 1998: BANGLADESH, BHUTAN, BOTSWANA, CANADA, CHILE, CONGO, CUBA, EL SALVADOR, GUATEMALA, INDIA, LUXEMBOURG, MOROCCO, NEPAL, PERU, PHILIPPINES, POLAND, RUSSIAN FEDERATION, RWANDA, SENEGAL, SRI LANKA, SUDAN, TUNISIA, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND and VENEZUELA.

COMMISSION ON THE STATUS OF WOMEN

The following 13 Member States were elected for a four-year term beginning on 1 January 1998: BOLIVIA, CÔTE D'IVOIRE, CUBA, INDIA, ISLAMIC REPUBLIC OF IRAN, LESOTHO, MALAYSIA, REPUBLIC OF KOREA, RWANDA, SAINT LUCIA, SRI LANKA, SUDAN and UGANDA.

COMMISSION ON NARCOTIC DRUGS

The following 20 States were elected for a four-year term beginning on 1 January 1998: AUSTRALIA, CHILE, CHINA, COLOMBIA, CÔTE D'IVOIRE, GHANA, JAPAN, LAO PEOPLE'S DEMOCRATIC REPUBLIC, LEBANON, MAURITIUS, MEXICO, ROMANIA, RUSSIAN FEDERATION, SIERRA LEONE, SPAIN, SWITZERLAND, TURKEY, UKRAINE, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND and URUGUAY.

COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE

The following 20 Member States were elected for a three-year term beginning on 1 January 1998: ARGENTINA, BENIN, BOTSWANA, BRAZIL, CHINA, COSTA RICA, CÔTE D'IVOIRE, ECUADOR, FRANCE, GERMANY, INDIA, ISLAMIC REPUBLIC OF IRAN, ITALY, MEXICO, POLAND, REPUBLIC OF KOREA, ROMANIA, SAUDI ARABIA, TOGO and UNITED STATES OF AMERICA.

COMMISSION ON SCIENCE AND TECHNOLOGY FOR DEVELOPMENT

The following 24 Member States were elected for a term beginning on 1 January 1998: ANGOLA, AUSTRIA, BENIN, CAMEROON, CHINA, CÔTE D'IVOIRE, DEMOCRATIC REPUBLIC OF THE CONGO,[1] ETHIOPIA, GERMANY, GHANA, GUINEA, JAMAICA, MALAWI, MALTA, NAMIBIA, NETHERLANDS, PAKISTAN, QATAR, RUSSIAN FEDERATION, TUNISIA, UGANDA, UKRAINE, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND and UNITED REPUBLIC OF TANZANIA.

In accordance with its decision 1995/312 of 27 July 1995, the Council drew lots to determine the initial terms of office of the newly elected members from African States. It was thus decided that the following seven States would serve for a four-year term beginning on 1 January 1998: ANGOLA, CAMEROON, GHANA, GUINEA, TUNISIA, UGANDA and UNITED REPUBLIC OF TANZANIA; the following six States would serve for a two-year term beginning on 1 January 1998: BENIN, CÔTE D'IVOIRE, DEMOCRATIC REPUBLIC OF THE CONGO,[1] ETHIOPIA, MALAWI and NAMIBIA.

The Council postponed to a future session the election of eight members from Asian States, four members from Eastern European States, nine members from Latin American and Caribbean States and eight members from Western European and other States. The drawing of lots to determine the terms of office of members from these regional groups was also postponed until their membership was complete.

COMMISSION ON SUSTAINABLE DEVELOPMENT

The following 17 Member States were elected for a three-year term beginning on 1 January 1998: ALGERIA, BRAZIL CÔTE D'IVOIRE, CZECH REPUBLIC, DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA, FRANCE, HUNGARY, ISLAMIC REPUBLIC OF IRAN, MAURITANIA, MAURITIUS, NEW ZEALAND, NICARAGUA, PERU, PHILIPPINES, PORTUGAL, SPAIN and SRI LANKA.

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[1] The name of the Member State known formerly as Zaire was changed on 17 May 1997 to "Democratic Republic of the Congo".

COMMISSION ON HUMAN SETTLEMENTS

BENIN and the UNITED ARAB EMIRATES were elected for a term beginning on the date of election and expiring on 31 December 1999; INDONESIA and VENEZUELA were elected for a term beginning on the date of election and expiring on 31 December 2000.

INTERGOVERNMENTAL WORKING GROUP OF EXPERTS ON INTERNATIONAL STANDARDS OF ACCOUNTING AND REPORTING

The following five Member States were elected for a three-year term beginning on 1 January 1998: BENIN, BULGARIA, CAMEROON, COMOROS and SIERRA LEONE.

GAMBIA was elected for a term beginning on the date of election and expiring on 31 December 1999.

The Council postponed to a future session the following elections:

(a) Four members from Asian States, one member from Eastern European States and three members from Latin American and Caribbean States for a three-year term beginning on 1 January 1998;

(b) One member from African States and two members from Latin American and Caribbean States for a term beginning on the date of election and expiring on 31 December 1997;

(c) Two members from Asian States, two members from Latin American and Caribbean States and three members from Western European and other States for a term beginning on the date of election and expiring on 31 December 1999.

COMMITTEE ON NATURAL RESOURCES

The Council elected Siripong Hungspreug (Thailand) for a term beginning on the date of election.

The Council postponed to a future session the election of one expert from Asian States, one expert from Eastern European States and two experts from Western European and other States for a term beginning on the date of election.

The terms of the members will be determined by lot once the membership is complete.

COMMITTEE ON NEW AND RENEWABLE SOURCES OF ENERGY AND ON ENERGY FOR DEVELOPMENT

It was decided that QATAR would nominate an expert for a term beginning on the date of election.

The Council postponed to a future session the election of six experts from African States and two experts from Eastern European States for a term beginning on the date of election.

The terms of the members will be determined by lot once the membership is complete.

EXECUTIVE BOARD OF THE UNITED NATIONS CHILDREN'S FUND

The following 14 Member States were elected for a three-year term beginning on 1 January 1998: ANTIGUA AND BARBUDA, AZERBAIJAN, BANGLADESH, COMOROS, CONGO, FINLAND, JAPAN, KAZAKHSTAN, LIBYAN ARAB JAMAHIRIYA, NORWAY, SOUTH AFRICA, SUDAN, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND and YEMEN.

DENMARK, ITALY and TURKEY will withdraw from the Board effective 1 January 1998 and will be replaced, respectively, by SWEDEN for a term expiring on 31 December 1998, GREECE for a term expiring on 31 December 1999 and FRANCE for a term expiring on 31 December 1998.

EXECUTIVE BOARD OF THE UNITED NATIONS DEVELOPMENT PROGRAMME/UNITED NATIONS POPULATION FUND

The following 14 Member States were elected for a three-year term beginning on 1 January 1998: BOTSWANA, CHINA, CZECH REPUBLIC, DEMOCRATIC REPUBLIC OF THE CONGO,[1] DENMARK, FRANCE, GHANA, IRELAND, JAMAICA, LEBANON, REPUBLIC OF KOREA, SOUTH AFRICA, SPAIN and UNITED REPUBLIC OF TANZANIA.

SWITZERLAND will withdraw from the Board effective 1 January 1998 and will be replaced by CANADA for a term expiring on 31 December 1998.

EXECUTIVE BOARD OF THE WORLD FOOD PROGRAMME

The following six Member States were elected for a three-year term beginning on 1 January 1998: FINLAND, INDONESIA, NORWAY, PAKISTAN, RUSSIAN FEDERATION and SIERRA LEONE.

The UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND will withdraw from the Board effective 1 January 1998 and will be replaced by SWEDEN for a term expiring on 31 December 1998.

COMMITTEE FOR THE UNITED NATIONS POPULATION AWARD

The following five Member States were elected for a three-year term beginning on 1 January 1998: EL SALVADOR, GUATEMALA, ISLAMIC REPUBLIC OF IRAN, NETHERLANDS and THAILAND.

The Council postponed to a future session the election of three members from African States, one member from Eastern European States and one member from Latin American and Caribbean States for a term beginning on the date of election and expiring on 31 December 2000.

PROGRAMME COORDINATION BOARD OF THE JOINT AND CO-SPONSORED UNITED NATIONS PROGRAMME ON HUMAN IMMUNODEFICIENCY VIRUS/ ACQUIRED IMMUNODEFICIENCY SYNDROME (HIV/AIDS)

The following eight States were elected for a three-year term beginning on 1 January 1998: BARBADOS, BELGIUM, CHINA, JAPAN, POLAND, SOUTH AFRICA, SWITZERLAND and UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND.

CANADA, FRANCE and NORWAY will withdraw from the Board effective 1 January 1998 and will be replaced, respectively, by AUSTRALIA for a term expiring on 31 December 1999, GERMANY for a term expiring on 31 December 1998 and DENMARK for a term expiring on 31 December 1999.

The Council postponed to a future session the election of one member from African States for a three-year term beginning on 1 January 1998.

Appointments

BOARD OF TRUSTEES OF THE INTERNATIONAL RESEARCH AND TRAINING INSTITUTE FOR THE ADVANCEMENT OF WOMEN

The Council appointed Selma Acuner (Turkey), Zakia Amara Bouaziz (Tunisia), Norica Nicolai (Romania), Glenda P. Simms (Jamaica) and Amaryllis T. Torres (Philippines) for a three-year term beginning on 1 July 1997.

Nominations

COMMITTEE FOR PROGRAMME AND COORDINATION

The following seven Member States were nominated for a three-year term beginning on 1 January 1998: BAHAMAS, FRANCE, MEXICO, RUSSIAN FEDERATION, UGANDA, UNITED STATES OF AMERICA and ZAMBIA.

The Council postponed to a future session the nomination of two members from Western European and other States for a term beginning on the date of election and expiring on 31 December 1999.

Confirmations

2. Also at its 4th plenary meeting, on 1 May 1997, the Council confirmed the nominations by their Governments of the following representatives on the functional commissions of the Council:

COMMISSION ON POPULATION AND DEVELOPMENT

Rachida BENKHELIL	(Algeria)
Raj KARIM	(Malaysia)
Nam-Hoon CHO	(Republic of Korea)

COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE

Celia S. LEONES	(Philippines)

1997/213. Seventh United Nations Conference on the Standardization of Geographical Names

At its 4th plenary meeting on 1 May 1997, the Economic and Social Council decided that the Seventh United Nations Conference on the Standardization of Geographical Names would be held at United Nations Headquarters in January 1998.

1997/214. Adoption of the agenda of the substantive session of 1997 and other organizational matters

1. At its 6th plenary meeting, on 30 June 1997, the Economic and Social Council adopted the agenda of its substantive session of 1997[2] and approved the organization of work of the session.[3]

2. At its 16th and 22nd plenary meetings, on 7 and 10 July 1997, the Council approved the requests made by non-governmental organizations to be heard by the Council at its substantive session of 1997.[4]

1997/215. Participation of intergovernmental organizations in the work of the Economic and Social Council

At its 16th plenary meeting, on 7 July 1997, the Economic and Social Council, having considered the application of the International Centre for Genetic Engineering and Biotechnology, decided, in accordance with rule 79 of the rules of procedure of the Council, that the Organization might participate on a continuing basis, without the right to vote, in the deliberations of the Council on questions within the scope of its activities.

1997/216. Report of the High-level Committee on the Review of Technical Cooperation among Developing Countries

At its 19th plenary meeting, on 8 July 1997, the Economic and Social Council took note of the report of the High-level Committee on the Review of Technical Cooperation among Developing Countries.[5]

1997/217. Revision of the General Regulations of the World Food Programme

At its 19th plenary meeting, on 8 July 1997, the Economic and Social Council took note of the note by the Secretary-General transmitting the report of the Executive Board of the World Food Programme on the revision of the General Regulations of the Programme,[6] endorsed the revisions contained in the annex to the report and decided to transmit them to the General Assembly for consideration at its fifty-second session.

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[2] E/1997/100.

[3] E/1997/L.15.

[4] E/1997/80 and Add.1 and 2.

[5] *Official Records of the General Assembly, Fifty-second Session, Supplement No. 39* (A/52/39).

[6] E/1997/49.

1997/218. Reports considered by the Economic and Social Council in connection with the question of special economic, humanitarian and disaster relief assistance

At its 31st plenary meeting, on 17 July 1997, the Economic and Social Council:

(a) Took note of the reports of the Secretary-General on assistance for the reconstruction and development of Lebanon[7] and on the review of the capacity of the United Nations system for humanitarian assistance;[8]

(b) Decided to request that a more comprehensive report on humanitarian assistance be submitted to the Council at a subsequent session.

1997/219. Report of the Statistical Commission on its twenty-ninth session and provisional agenda and documentation for the thirtieth session of the Commission

At its 34th plenary meeting, on 18 July 1997, the Economic and Social Council:

(a) Took note of the report of the Statistical Commission on its twenty-ninth session;[9]

(b) Decided that the thirtieth session of the Commission should be held in New York from 1 to 5 March 1999;

(c) Approved the provisional agenda and documentation for the thirtieth session of the Commission set out below.

PROVISIONAL AGENDA AND DOCUMENTATION FOR THE THIRTIETH SESSION OF THE STATISTICAL COMMISSION

1. Election of officers.

2. Adoption of the agenda and other organizational matters.

Documentation

Provisional agenda and annotations

Note by the Secretariat on the organization of work

Note by the Secretariat on the state of preparation of documentation

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[7] E/1997/96.

[8] E/1997/98.

[9] Official Records of the Economic and Social Council, 1997, Supplement No. 4 (E/1997/24).

3. International trade statistics.

Documentation

Report of the Task Force

4. International economic and social classifications.

Documentation

Report of the Secretary-General

5. Statistical implications of recent major United Nations conferences.

Documentation

Report of the Secretary-General on the implementation and use of the Minimum National Social Data Set

Report on the seminar on poverty statistics, organized by the Economic Commission for Latin America and the Caribbean, in collaboration with other regional commissions

6. Aspects of economic statistics.

Documentation

Reports of the groups carrying out work on various aspects of economic statistics, including evaluation of the International Comparison Programme

7. Environment statistics.

Documentation

Report of the Task Force

8. Service statistics.

Documentation

Report of the Task Force

9. National accounts.

Documentation

Report of the Task Force

Draft classification of individual consumption by purpose

Draft classification of the functions of government

Draft classification of the purposes of the non-profit institutions serving households

Draft classification of outlays of producers by purpose

10. Finance statistics.

Documentation

Report of the Task Force

11. Technical cooperation.

Documentation

Report on the initiative to develop best practices and other issues

12. Coordination and integration of international statistical programmes.

Documentation

Report of the Working Group on International Statistical Programmes and Coordination on its nineteenth session

Report of the Administrative Committee on Coordination Subcommittee on Statistical Activities on its thirty-first and thirty-second sessions

Report of the special ad hoc group on the structure and operation of the Statistical Commission

Report on an integrated presentation of statistical work of the international organizations

13. Programme questions and related matters.

Documentation

Draft programme of work of the Statistics Division for the biennium 2000-2001

Proposals concerning the medium-term plan for statistics

14. Provisional agenda and dates for the thirty-first session of the Commission.

15. Adoption of the report of the Commission on its thirtieth session.

1997/220. Report of the Commission on Population and Development on its thirtieth session and provisional agenda and documentation for the thirty-first session of the Commission

At its 34th plenary meeting, on 18 July 1997, the Economic and Social Council:

(a) Took note of the report of the Commission on Population and Development on its thirtieth session;[10]

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[10] Ibid., Supplement No. 5 (E/1997/25).

(b) Approved the provisional agenda and documentation for the thirty-first session of the Commission set out below.

PROVISIONAL AGENDA AND DOCUMENTATION FOR THE THIRTY-FIRST SESSION OF THE COMMISSION ON POPULATION AND DEVELOPMENT

1. Election of officers.

2. Adoption of the agenda and other organizational matters.

3. General debate on national experience in population matters.

4. Follow-up actions to the recommendations of the International Conference on Population and Development: health and mortality, with special emphasis on the linkages between health and development and on gender and age.

   Documentation

   Report of the Secretary-General on world population monitoring, focusing on health and mortality, with special emphasis on the linkages between health and development and on gender and age

   Report of the Secretary-General on the monitoring of population programmes

   Report of the Administrative Committee on Coordination Task Force on Basic Social Services for All dealing with the implementation of the Programme of Action of the International Conference on Population and Development

   Report of the Secretary-General on activities of intergovernmental and non-governmental organizations relating to the implementation of the Programme of Action of the International Conference on Population and Development

   Report of the Secretary-General on the flow of financial resources for assisting in the implementation of the Programme of Action of the International Conference on Population and Development

5. Programme questions:

   (a) Programme performance and implementation in 1997;

   (b) Programme of work for the biennium 1998-1999 and proposed revisions to the subprogramme on population of the medium-term plan for the period 1998-2001.

   Documentation

   Report of the Secretary-General on progress of work in the field of population, 1997

   Note by the Secretary-General on the programme of work for the biennium 1998-1999

6. Provisional agenda for the thirty-second session of the Commission.

Documentation

Note by the Secretariat containing the draft provisional agenda for the thirty-second session of the Commission

7. Adoption of the report of the Commission on its thirty-first session.

1997/221. Fourteenth and Fifteenth United Nations Regional Cartographic Conferences for Asia and the Pacific

At its 34th plenary meeting, on 18 July 1997, the Economic and Social Council endorsed the following recommendations of the Fourteenth United Nations Regional Cartographic Conference for Asia and the Pacific:

(a) That the Fifteenth United Nations Regional Cartographic Conference for Asia and the Pacific should be convened for five working days in mid-2000, with a primary focus on the continued and strengthened contribution of surveying, mapping and charting to the implementation of Agenda 21;[11]

(b) To request the Secretary-General to take measures, where appropriate and within available resources, to implement the other recommendations made by the Fourteenth United Nations Regional Cartographic Conference for Asia and the Pacific; in particular, the United Nations should continue to support surveying, mapping and charting activities in the Asia and Pacific region and, *inter alia*, continue, within available resources, to facilitate the participation of the least developed countries and the small island developing States of the region.

1997/222. Fourteenth Meeting of Experts on the United Nations Programme in Public Administration and Finance

At its 34th plenary meeting, on 18 July 1997, the Economic and Social Council endorsed the recommendations of the Thirteenth Meeting of Experts on the United Nations Programme in Public Administration and Finance that its Fourteenth Meeting be convened in May 1998 to review the progress made in the implementation of General Assembly resolution 50/225 of 19 April 1996.[12]

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[11] *See Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (A/CONF.151/26/Rev.1 (Vol. I and Vol. I/Corr.I, Vol. II, Vol. III and Vol. III/Corr.1)) (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: *Resolutions Adopted by the Conference*, resolution I, annex II.

[12] E/1997/86, para. 75.

1997/223. Report of the Committee for Development Planning on its thirty-first session

At its 34th plenary meeting, on 18 July 1997, the Economic and Social Council endorsed the following recommendations of the Committee for Development Planning at its thirty-first session[13] regarding the list of least developed countries:

(a) That Vanuatu be graduated from the list with immediate effect;

(b) That Cape Verde, Maldives and Samoa be graduated from the list at the time of the next review, in 2000, provided that they continue to meet the criteria for graduation at that time.

1997/224. Declaration on the Strengthening of Economic Cooperation in Europe and Plan of Action

At its 34th plenary meeting, on 18 July 1997, the Economic and Social Council, noting that on 22 April 1997 the Economic Commission for Europe adopted the Declaration on the Strengthening of Economic Cooperation in Europe[14] and the Plan of Action,[15] and taking note of Commission decision A (52) of 24 April 1997,[16] decided to endorse the Declaration and Plan of Action.

1997/225. Economic Commission for Europe Recommendation 25, entitled "Use of the UN/EDIFACT Standard"

At its 34th plenary meeting, on 18 July 1997, the Economic and Social Council, taking note of the decision of the Committee on the Development of Trade[17] and decision B (52) of 24 April 1997 of the Economic Commission for Europe[18] on the UN/EDIFACT Standard, decided to endorse Commission Recommendation 25, entitled "Use of the UN/EDIFACT Standard",[19] as an international United Nations recommendation.

1997/226. United Nations Framework Classification for Reserves/Resources: Solid Fuels and Mineral Commodities

At its 34th plenary meeting, on 18 July 1997, the Economic and Social Council, taking note of Economic Commission for Europe decision C (52) of

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[13] See Official Records of the Economic and Social Council, 1997, Supplement No. 15 (E/1997/35), chap. I.

[14] E/ECE/1346.

[15] E/ECE/1347 and Corr.1.

[16] See Official Records of the Economic and Social Council, 1997, Supplement No. 16 (E/1997/36), chap. IV.

[17] ECE/TRADE/210, para. 23.

[18] See Official Records of the Economic and Social Council 1997, Supplement No. 16 (E/1997/36), chap. IV.

[19] ECE/TRADE/207.

24 April 1997[20] and welcoming the endorsement by the Commission of the United Nations Framework Classification for Reserves/Resources: Solid Fuels and Mineral Commodities, which was elaborated in close collaboration with States not members of the Commission, decided to invite States Members of the United Nations, international organizations and the regional commissions to consider the possibility of taking appropriate measures for ensuring worldwide application of the Framework Classification.

1997/227. Renewal of the mandate of the Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

At its 36th plenary meeting, on 21 July 1997, the Economic and Social Council decided:

(a) To renew the mandate of the in-session Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, so that it might continue its work, pursuant to Council resolution 1995/29 of 24 July 1995, during the forty-second and forty-third sessions of the Commission on the Status of Women;

(b) To authorize the Working Group to meet in parallel with the Commission at its forty-second and forty-third sessions;

(c) To invite a representative of the Committee on the Elimination of Discrimination against Women to attend those meetings as a resource person.

1997/228. Work of the functional commissions of the Economic and Social Council engaged in the follow-up to United Nations conferences

At its 36th plenary meeting, on 21 July 1997, the Economic and Social Council, bearing in mind the Programme of Action adopted by the World Conference on Human Rights,[21] the Programme of Action of the World Summit for Social Development[22] and the Beijing Platform for Action,[23] and recalling General Assembly resolutions 50/227 of 24 May 1996, 51/96 and 51/118 of 12 December 1996 and 51/202 of 17 December 1996 concerning the follow-up to United Nations conferences and the role of the functional commissions in the three-tiered intergovernmental process in the follow-up to the above-mentioned programmes of action, decided that every effort should be made to ensure that there is no overlap in the work of the functional commissions engaged in the follow-up to United Nations conferences.

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[20] See Official Records of the Economic and Social Council, 1997, Supplement No. 16 (E/1997/36), chap. IV.

[21] See Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

[22] Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995 (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annex II.

[23] Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II.

1997/229. Report of the Commission on the Status of Women on its forty-first session and provisional agenda and documentation for the forty-second session of the Commission

At its 36th plenary meeting, on 21 July 1997, the Economic and Social Council:

(a) Took note of the report of the Commission on the Status of Women on its forty-first session;[24]

(b) Approved the provisional agenda and documentation for the forty-second session of the Commission set out below.

PROVISIONAL AGENDA AND DOCUMENTATION FOR THE FORTY-SECOND SESSION OF THE COMMISSION ON THE STATUS OF WOMEN

1. Election of officers.

2. Adoption of the agenda and other organizational matters.

3. Follow-up to the Fourth World Conference on Women:

    (a) Review of mainstreaming in organizations of the United Nations system;

    Documentation

    Report of the Secretary-General on the measures taken and the progress achieved in the follow-up to the Fourth World Conference on Women and in mainstreaming a gender perspective within the United Nations system

    Mid-term review of the system-wide medium-term plan for the advancement of women, 1996-2001

    (b) Emerging issues, trends and new approaches to issues affecting the situation of women or equality between women and men;

    (c) Implementation of strategic objectives and action in the critical areas of concern.

    Documentation

    Analytical report of the Secretary-General on the thematic issues before the Commission in accordance with the multi-year work programme, including, as far as possible, progress made in national implementation, based on available existing data and statistics

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[24] *Official Records of the Economic and Social Council, 1997, Supplement No. 7* (E/1997/27).

Synthesis report on implementation plans of Governments, based, *inter alia*, on national action plans and any other sources of information already available in the United Nations system

4. Communications concerning the status of women.

Documentation

Lists of confidential and non-confidential communications concerning the status of women

5. Convention on the Elimination of All Forms of Discrimination against Women, including the elaboration of a draft optional protocol to the Convention.

6. Provisional agenda for the forty-third session of the Commission.

7. Adoption of the report of the Commission on its forty-second session.

1997/230. Report of the Commission for Social Development on its thirty-fifth session and provisional agenda and documentation for the thirty-sixth session of the Commission

At its 36th plenary meeting, on 21 July 1997, the Economic and Social Council

(a) Took note of the report of the Commission for Social Development on its thirty-fifth session,[25] and endorsed the resolutions and decisions adopted by the Commission;

(b) Approved the provisional agenda and documentation for the thirty-sixth session of the Commission set out below.

PROVISIONAL AGENDA AND DOCUMENTATION FOR THE THIRTY-SIXTH SESSION OF THE COMMISSION FOR SOCIAL DEVELOPMENT

1. Election of officers.

2. Adoption of the agenda and other organizational matters.

3. Follow-up to the World Summit for Social Development:

The Commission will review progress made in the implementation and follow-up to the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development and consider at each of its sessions issues relating to the enabling environment for social development, the special situation of Africa and the least developed countries, enhancement of social development goals in structural adjustment programmes, the mobilization of domestic and international resources for social development, and the framework for international, regional and subregional cooperation for social development.

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[25] Ibid., *Supplement No. 6* (E/1997/26).

(a) Priority theme: Promoting social integration and participation of all people, including disadvantaged and vulnerable groups and persons;

The Commission will consider the following specific topics: (i) promoting social integration through responsive government, full participation in society, non-discrimination, tolerance, equality and social justice; (ii) enhancing social protection, reducing vulnerability and enhancing employment opportunities for groups with specific needs; and (iii) violence, crime and the problem of illicit drugs and substance abuse as factors of social disintegration. The Commission will consider the specific topics also from a gender perspective.

(b) Review of relevant United Nations plans and programmes of action pertaining to the situation of social groups.

Documentation

Report of the Secretary-General on promoting social integration and participation

Report of the Secretary-General on different options for the future review and appraisal of the International Plan of Action on Ageing

4. Provisional agenda for the thirty-seventh session of the Commission.

5. Adoption of the report of the Commission on its thirty-sixth session.

1997/231. Confirmation of members of the Board of the United Nations Research Institute for Social Development

At its 36th plenary meeting, on 21 July 1997, the Economic and Social Council confirmed the nomination by the Commission for Social Development in its decision 35/101 of 4 March 1997[26] of the following members of the Board of the United Nations Research Institute for Social Development for a four-year term beginning on 1 July 1997: Heba Alimad Handoussa (Egypt), Eveline Herfkens (Netherlands), Graça Simbine Machel (Mozambique), Marcia Rivera (United States of America) and Gita Sen (India).

1997/232. Report of the Commission on Crime Prevention and Criminal Justice on its sixth session, organization of work and themes for future sessions, and provisional agenda and documentation for the seventh session of the Commission

At its 36th plenary meeting, on 21 July 1997, the Economic and Social Council

(a) Took note of the report of the Commission on Crime Prevention and Criminal Justice on its sixth session;[27]

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[26] Ibid., chap. I, sect. C.

[27] Official Records of the Economic and Social Council, 1997, Supplement No. 10 (E/1997/30).

(b) Decided that each session of the Commission should have one prominent theme and that the themes for the seventh, eighth and ninth sessions of the Commission should be as follows:

(i) For the seventh session, in 1998: "Organized transnational crime";

(ii) For the eighth session, in 1999: "Crime prevention";

(iii) For the ninth session, in 2000: "Results of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders";

(c) Decided that the Commission on Crime Prevention and Criminal Justice from its seventh session onwards, in addition to plenary meetings, should be provided with full interpretation services for a total of twelve meetings for informal consultations on draft proposals and for meetings of open-ended working groups, with the precise allocation of time for the different types of meetings to be determined by the Commission at its seventh session under its agenda item entitled "Adoption of the agenda and organization of work", on the understanding that no more than two meetings will be held concurrently, in order to ensure maximum participation of delegations;

(d) Approved the provisional agenda and documentation for the seventh session of the Commission set out below.

PROVISIONAL AGENDA AND DOCUMENTATION FOR THE SEVENTH SESSION OF THE COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE

1. Election of officers.

2. Adoption of the agenda and organization of work.

3. Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

   Documentation

   Report of the Secretary-General on progress made in the preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

   Discussion guide for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, prepared by the Secretariat

4. Promotion and maintenance of the rule of law: action against corruption and bribery

   Documentation

   Report of the Secretary-General on action against corruption and bribery

5. Criminal justice reform and strengthening of legal institutions: measures to regulate firearms.

Documentation

Progress report of the Secretary-General on measures to regulate firearms

6. International cooperation in combating transnational crime:

   (a) Implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime: question of the elaboration of an international convention against organized transnational crime, and other possible international instruments;

Documentation

Report of the Secretariat on the work of the inter-sessional open-ended intergovernmental group of experts on the elaboration of an international convention against organized transnational crime

Report of the Secretary-General on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime: question of the elaboration of an international convention against organized transnational crime

   (b) Mutual assistance and international cooperation in criminal matters.

Documentation

Report of the Secretary-General on mutual assistance and international cooperation in criminal matters

7. Use and application of United Nations standards and norms in crime prevention and criminal justice:

Documentation

Report of the Secretary-General on the use and application of United Nations standards and norms in crime prevention and criminal justice

Survey instruments on selected United Nations standards and norms in crime prevention and criminal justice

   (a) Administration of juvenile justice;

   (b) Victims of crime and abuse of power.

Documentation

Manual on victims of crime and abuse of power for policy makers

Handbook on victims of crime and abuse of power for practitioners

8. Technical cooperation, including resource mobilization, and coordination of activities:

   (a) Technical cooperation;

(b) Treatment of prisoners: prison overcrowding;

Documentation

Report of the Secretary-General on technical cooperation

(c) Resource mobilization.

Documentation

Report of the Secretary-General on activities undertaken and results achieved by the informal consultative group on resource mobilization

9. Strategic management and programme questions:

(a) Strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations Crime Prevention and Criminal Justice Programme;

Documentation

Report of the Secretary-General on strategic management

(b) Programme questions.

10. Provisional agenda for the eighth session of the Commission.

11. Adoption of the report of the Commission on its seventh session.

1997/233. Provisional agenda and documentation for the forty-first session of the Commission on Narcotic Drugs

At its 36th plenary meeting, on 21 July 1997, the Economic and Social Council approved the provisional agenda and documentation for the regular segment of the forty-first session of the Commission on Narcotic Drugs set out below.

PROVISIONAL AGENDA AND DOCUMENTATION FOR THE FORTY-FIRST SESSION OF THE COMMISSION ON NARCOTIC DRUGS

1. Election of officers.

2. Adoption of the agenda and other organizational matters.

Documentation

Annotated provisional agenda

3. Policy issues for action by the United Nations International Drug Control Programme.

Documentation

Report of the Executive Director on the activities of the United Nations International Drug Control Programme

4. Implementation of the international drug control treaties:

   (a) International Narcotics Control Board;

   Documentation

   Report of the International Narcotics Control Board for 1997

   Report of the International Narcotics Control Board on the implementation of article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988

   (b) Changes in the scope of control of substances;

   Documentation

   Report of the Secretary-General (as necessary)

   (c) Other matters arising from the international drug control treaties.

   Documentation

   Note by the Secretariat (as necessary)

5. Monitoring of the United Nations System-Wide Action Plan on Drug Abuse Control and other coordination matters.

   Documentation

   Note by the Secretariat on the coordination of drug control activities within the United Nations system

6. Administrative and budgetary matters.

   Documentation

   Note by the Executive Director (as necessary)

7. Provisional agenda for the forty-second session of the Commission and future work.

   Documentation

   Note by the Secretariat

8. Other matters.

   Documentation

   Note by the Secretariat (as necessary)

9. Adoption of the report of the Commission on its forty-first session.

1997/234. Organization of the work of the Commission on Narcotic Drugs at its forty-first session

At its 36th plenary meeting, on 21 July 1997, the Economic and Social Council, having considered its resolution 1996/17 of 23 July 1996, in which it requested the Commission on Narcotic Drugs to act as preparatory body for the special session of the General Assembly devoted to the fight against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities, to be held in 1998, and in the light of progress made by the Commission in that capacity at its fortieth session, decided that, at its forty-first session, the Commission should meet for three days for its regular segment and five days for its special segment, on the understanding that, should the Commission be in a position to complete its regular segment earlier, it would immediately begin its special segment.

1997/235. Initial programme budget for the biennium 1998-1999 and second and final revision of the programme budget for the biennium 1996-1997 for the Fund of the United Nations International Drug Control Programme

At its 36th plenary meeting, on 21 July 1997, the Economic and Social Council decided that a reconvened session of the Commission on Narcotic Drugs should be held in December 1997 to approve the initial programme budget for the biennium 1998-1999 and the second and final revision of the programme budget for the biennium 1996-1997 for the Fund of the United Nations International Drug Control Programme. Similar reconvened sessions should in future be held in December of odd years to approve the initial programme budget for the following biennium and the final version of the programme budget for the biennium that is drawing to a close, and to deal with any related administrative or budgetary matters.

1997/236. Report of the International Narcotics Control Board

At its 36th plenary meeting, on 21 July 1997, the Economic and Social Council took note of the report of the International Narcotics Control Board for 1996.[28]

1997/237. Report of the Commission on Narcotic Drugs

At its 36th plenary meeting, on 21 July 1997, the Economic and Social Council took note of the report of the Commission on Narcotic Drugs on its fortieth session.[29]

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[28] United Nations publication, Sales No. E.97.XI.3.

[29] *Official Records of the Economic and Social Council, 1997, Supplement No. 8* (E/1997/28).

1997/238. Dates for the special session of the General Assembly devoted to the fight against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities

At its 36th plenary meeting, on 21 July 1997, the Economic and Social Council decided to recommend to the General Assembly that the special session of the General Assembly devoted to the fight against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities be held from 8 to 10 June 1998.

1997/239. Report of the Commission on Narcotic Drugs acting as the preparatory body for the special session of the General Assembly devoted to the fight against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities on its first session and provisional agenda for the second session

At its 36th plenary meeting, on 21 July 1997, the Economic and Social Council:

(a) Took note of the report of the Commission on Narcotic Drugs acting as the preparatory body for the special session of the General Assembly devoted to the fight against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities on its first session;[30]

(b) Approved the provisional agenda for the second session set out below.

PROVISIONAL AGENDA FOR THE SECOND SESSION OF THE COMMISSION ON NARCOTIC DRUGS ACTING AS THE PREPARATORY BODY FOR THE SPECIAL SESSION OF THE GENERAL ASSEMBLY DEVOTED TO THE FIGHT AGAINST THE ILLICIT PRODUCTION, SALE, DEMAND, TRAFFIC AND DISTRIBUTION OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES AND RELATED ACTIVITIES

1. Adoption of the agenda and other organizational matters.

2. Preparations for the special session of the General Assembly to consider the fight against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities and to propose new strategies, methods, practical activities and specific measures to strengthen international cooperation in addressing the problem of drug abuse and illicit trafficking:

    (a) Consideration of the draft provisional agenda of the special session of the General Assembly;

    (b) Consideration of the reports of the informal inter-sessional meetings of the Commission acting as preparatory body for the special session of the General Assembly on international drug control;

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[30] E/1997/48.

(c) Consideration of elements for inclusion in a draft political declaration;

(d) Consideration of the draft declaration on the guiding principles of demand reduction;

(e) Consideration of any other proposals to be submitted to the special session in accordance with the objectives set out in General Assembly resolution 51/64;

(f) Review of the international drug control regime: strengthening United Nations machinery for drug control;

(g) Other matters.

3. Adoption of the report of the preparatory body on its second session.

1997/240. Reports considered by the Economic and Social Council in connection with human rights questions

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council took note of the report of the Committee on Economic, Social and Cultural Rights on its fourteenth and fifteenth sessions[31] and the report of the Secretary-General on the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination.[32]

1997/241. Effects of the economic adjustment policies arising from foreign debt on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/10 of 3 April 1997,[33] approved the Commission's request that, taking advantage of the current restructuring of the Centre for Human Rights, a unit should be established for the promotion of economic, social and cultural rights, and in particular the implementation of the right to development, bearing in mind the aspects relating to the debt burden of the developing countries.

1997/242. Human rights and extreme poverty

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/11 of

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[31] Official Records of the Economic and Social Council, 1997, Supplement No. 2 (E/1997/22).

[32] E/1997/87.

[33] See Official Records of the Economic and Social Council, 1997, Supplement No. 3 (E/1997/23), chap. II, sect. A.

3 April 1997[33] and resolution 1996/23 of 29 August 1996 of the Subcommission on Prevention of Discrimination and Protection of Minorities,[34] approved the requests made to the Secretary-General:

(a) To publish the final report of the Special Rapporteur of the Commission on Human Rights on human rights and extreme poverty in all the United Nations official languages;

(b) To convey the Special Rapporteur's final report to the General Assembly, the Economic and Social Council, the Commission for Social Development, the Commission on Sustainable Development, the Trade and Development Board of the United Nations Conference on Trade and Development, the Executive Boards of the United Nations Development Programme/United Nations Population Fund and the United Nations Children's Fund, and the Executive Committee of the Programme of the United Nations High Commissioner for Refugees for consideration at their next sessions, as well as to any other body to which the Secretary-General considers it should be communicated.

1997/243. Migrants and human rights

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/15 of 3 April 1997:[33]

(a) Endorsed the Commission's decision to establish, within the approved overall budget level for the current biennium, a working group consisting of five intergovernmental experts, appointed on the basis of equitable geographical representation after consultations with the regional groups, to meet for two periods of five working days prior to the fifty-fourth session of the Commission, with a mandate to:

(i) Gather all relevant information from Governments, non-governmental organizations and any other relevant sources on the obstacles existing to the effective and full protection of the human rights of migrants;

(ii) Elaborate recommendations to strengthen the promotion, protection and implementation of the human rights of migrants;

(b) Approved the Commission's request to the working group of intergovernmental experts to submit a report to the Commission at its fifty-fourth session under the appropriate agenda item.

1997/244. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/17 of 11 April 1997,[33] endorsed the Commission's decision to request the Secretary-

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[34] See E/CN.4/1997/2-E/CN.4/Sub.2/1996/41, chap. II, sect. A.

General to submit reports to the General Assembly at its fifty-second session and to the Commission on Human Rights at its fifty-fourth session, under the relevant agenda items, on progress made towards the realization of the rights set forth in the International Covenant on Economic, Social and Cultural rights,[35] giving due reflection to:

(a) The views of all relevant national and international organizations, governmental or non-governmental, on the opportuneness and resource implications of appointing a special rapporteur to encourage the promotion and protection of economic, social and cultural rights in general;

(b) Their reactions to the report of the Committee on Economic, Social and Cultural Rights on a draft optional protocol for the consideration of communications concerning non-compliance with the International Covenant on Economic, Social and Cultural Rights.[36]

1997/245. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human rights resolution 1997/18 of 11 April 1997,[33] approved the Commission's request to the Secretary-General to provide the Special Rapporteur of the Commission on Human Rights on religious intolerance with all necessary assistance to enable him to carry out his mandate, to submit an interim report to the General Assembly at its fifty-second session and to report to the Commission at its fifty-fourth session.

1997/246. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/23 of 11 April 1997,[33] endorsed the Commission's decision to extend the mandate of the Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers for a further period of three years and its request to the Special Rapporteur to submit a report on the activities relating to his mandate to the Commission at its fifty-fourth session.

1997/247. United Nations staff

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/25 of 11 April 1997,[33] endorsed the Commission's decision to request the Secretary-General:

(a) To submit to the General Assembly at its fifty-second session a report on the situation of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who are imprisoned, missing or held in a country against their will, on new cases that have been successfully settled and on the implementation of the measures referred to in Commission resolution 1997/25;

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[35] General Assembly resolution 2200 A (XXI), annex.

[36] E/CN.4/1997/105, annex.

(b) To commission a comprehensive and independent study, from within existing resources, to shed further light on the safety and security problems faced by United Nations and other personnel carrying out activities in the fulfilment of the mandate of a United Nations operation, taking into account the evolution of the nature of United Nations missions around the world and the greater responsibilities of those personnel, giving due consideration to the views of the main United Nations agencies concerned and of relevant international organizations, both intergovernmental and non-governmental.

1997/248. Permanent forum for indigenous people in the United Nations system

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/30 of 11 April 1997,[33] approved the Commission's request to the United Nations High Commissioner for Human Rights/Centre for Human Rights to convene, for a period of three days prior to the fifteenth session of the Working Group on Indigenous Populations, a second workshop on the possible establishment of a permanent forum for indigenous people, in accordance with established United Nations practice and with the participation of representatives of Governments, organizations of indigenous people, non-governmental organizations and United Nations bodies, organizations and specialized agencies and with, *inter alia*, the results of the Copenhagen workshop[37] and the Secretary-General's review as the basis for discussions.

1997/249. Working Group on Indigenous Populations of the Subcommission on Prevention of Discrimination and Protection of Minorities and the International Decade of the World's Indigenous People

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/32 of 11 April 1997:[33]

(a) Authorized the Working Group on Indigenous Populations of the Subcommission on Prevention of Discrimination and Protection of Minorities to meet for five working days prior to the forty-ninth session of the Subcommission;

(b) Approved the Commission's requests to the Secretary-General:

(i) To provide adequate resources and assistance to the Working Group in discharging its tasks, including adequate dissemination of information about the activities of the Working Group to Governments, specialized agencies, non-governmental organizations and organizations of indigenous people, in order to encourage the widest possible participation in its work;

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[37] E/CN.4/Sub.2/AC.4/1995/7 and Add.1-3.

(ii) To transmit the reports of the Working Group to Governments, organizations of indigenous people and intergovernmental and non-governmental organizations, as soon as possible, for specific comments and suggestions;

(c) Also approved the Commission's recommendation that the United Nations High Commissioner for Human Rights assume responsibility for the coordination of the International Decade of the World's Indigenous People, as well as the Commission's request to the High Commissioner to consider organizing, taking into account the United Nations Decade for Human Rights Education and recognizing the importance of strengthening the capacity of indigenous people to develop their own solutions to their problems, a workshop for research and higher education institutions focusing on indigenous issues in education, to improve the exchange of information between such institutions and to encourage future cooperation, in consultation with indigenous people and in collaboration with the United Nations Educational, Scientific and Cultural Organization and other relevant United Nations bodies.

1997/250. Human rights and thematic procedures

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/37 of 11 April 1997,[13] approved the Commission's request to the Secretary-General, in implementing the United Nations budget for the biennium 1998-1999, to ensure the availability of such resources as are necessary for the effective implementation of all thematic mandates, including any additional tasks entrusted to the thematic special rapporteurs and working groups by the Commission.

1997/251. Torture and other cruel, inhuman or degrading treatment or punishment

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/38 of 11 April 1997:[13]

(a) Approved the Commission's request to the General Assembly, in preparing for the fiftieth anniversary of the Universal Declaration of Human Rights,[18] to proclaim 26 June a United Nations international day in support of the victims of torture and the total eradication of torture, and the effective functioning of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[19] which entered into force on 26 June 1987;

(b) Also approved the Commission's request to the Secretary-General to continue to include the United Nations Voluntary Fund for Victims of Torture on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities, and to ensure, within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing as well as the necessary technical facilities for the United Nations bodies and mechanisms dealing with torture, in order to ensure their effective performance.

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[18] General Assembly resolution 217 A (III).

[19] General Assembly resolution 39/46, annex.

1997/252. Internally displaced persons

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/39 of 11 April 1997, approved the Commission's request to the Secretary-General to ensure the rapid publication, in all United Nations working languages, and wide dissemination of the compilation and analysis of legal norms submitted by his representative on internally displaced persons, and to provide his representative, from within existing resources, with all the necessary assistance to carry out his mandate effectively.

1997/253. National institutions for the promotion and protection of human rights

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/40 of 11 April 1997, approved the Commission's request to the Secretary-General:

(a) To continue to provide, from within existing resources, the necessary assistance for holding meetings of the Coordinating Committee created by national institutions at the second International Workshop on National Institutions for the Promotion and Protection of Human Rights, held at Tunis from 13 to 17 December 1993, during the sessions of the Commission on Human Rights, under the auspices of, and in cooperation with, the United Nations High Commissioner for Human Rights/Centre for Human Rights;

(b) To continue to provide, from within existing resources and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the necessary assistance for regional meetings of national institutions;

(c) To convene, within existing resources, a fourth international workshop on national institutions for the promotion and protection of human rights, to be held in Mexico in 1997.

1997/254. Development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/41 of 11 April 1997, approved the Commission's request to the Secretary-General to make available adequate resources from within the regular budget of the United Nations in order to allow the United Nations High Commissioner for Human Rights/Centre for Human Rights and the Department of Public Information to implement fully their expanded publications programme.

1997/255. Elimination of violence against women

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/44 of 11 April 1997, endorsed the Commission's decision that the mandate of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, should be renewed for a period of three years, and approved the Commission's request to the Special Rapporteur to report annually to the Commission, beginning at its fifty-fourth session, on activities relating to her mandate.

1997/256. Regional arrangements for the promotion and protection of human rights in the Asia and Pacific region

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/45 of 11 April 1997,[39] approved the Commission's request to the Secretary-General:

(a) To facilitate the holding of the sixth workshop on regional human rights arrangements in the Asia and Pacific region in Tehran under the regular budget of the United Nations for the programme of advisory services and technical cooperation in the field of human rights;

(b) To give adequate attention to the countries of the Asia and Pacific region by allocating more resources from existing United Nations funds to enable the countries of the region to benefit from all the activities under the programme of advisory services and technical cooperation in the field of human rights;

(c) To maintain a continuing flow of human rights material to the library of the Economic and Social Commission for Asia and the Pacific;

(d) To support the regional technical cooperation programme for the Asia and Pacific region and to provide resources for its implementation;

(e) To establish, in accordance with the conclusions of the fifth workshop on regional human rights arrangements in the Asia and Pacific region, an open-ended team composed of representatives of interested Governments of the region and the Centre for Human Rights, which could consult with national institutions and non-governmental organizations to ensure the effective preparation of the next workshop and to design a regional technical cooperation programme to facilitate the development of regional arrangements.

1997/257. Advisory services, technical cooperation and the Voluntary Fund for Technical Cooperation in the Field of Human Rights

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/46 of 11 April 1997:[39]

(a) Approved the Commission's request to the Secretary-General:

(i) To allocate to the human rights programme, in the context of the budgetary planning for the biennium 1998-1999, additional human and financial resources for the enlargement of the programme of advisory services and technical cooperation in the field of human rights in order to meet the substantially increased demand;

(ii) In accordance with section II, paragraph 16, of the Vienna Declaration and Programme of Action,[40] and in cooperation with the Board of

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[40] See A/CONF.157/24 (Part I), chap. III.

Trustees of the Voluntary Fund for Technical Cooperation in the Field of Human Rights as advisory body, to continue to ensure more efficient management of the Voluntary Fund, strict and transparent project management rules, periodic evaluations of the programme and projects, and the dissemination of evaluation results, including programme implementation and financial accounting reports, as well as to arrange for the holding of information meetings open to all Member States and organizations directly involved in the advisory services and technical cooperation programme;

(iii) To continue to provide the necessary administrative assistance for the Board of Trustees, to arrange meetings of the Board and to ensure that its conclusions are reflected in the annual report to the Commission on technical cooperation in the field of human rights;

(b) Approved the Commission's request to the Board of Trustees to continue to exercise its full mandate as advisory body to promote and solicit contributions to the Voluntary Fund and to continue to assist the United Nations High Commissioner for Human Rights in monitoring, reviewing and improving the implementation of technical cooperation projects, the conduct of comprehensive needs assessments, and the monitoring of ongoing and evaluation of completed projects, as well as the Commission's invitation to the Chairman of the Board to address the Commission.

1997/258. Assistance to Somalia in the field of human rights

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/47 of 11 April 1997:

(a) Approved the Commission's request to the independent expert to report to the Commission at its fifty-fourth session on the human rights situation in Somalia, in particular on the basis of a detailed assessment of the means necessary to establish a programme of advisory services and technical cooperation, through, inter alia, the contribution of agencies and programmes of the United Nations in the field, as well as of the non-governmental sector;

(b) Also provided the Commission's request to the Secretary-General to provide the independent expert with all necessary assistance in carrying out her mandate and adequate resources, from within existing overall United Nations resources, to fund the activities of the independent expert and the United Nations High Commissioner for Human Rights/Centre for Human Rights for the implementation of advisory services and technical cooperation.

1997/259. Situation of human rights in Cambodia

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/49 of 11 April 1997, approved the Commission's request to the Secretary-General:

(a) Through the Special Representative of the Secretary-General for Human Rights in Cambodia, in collaboration with the Centre for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources, from within existing resources, for the enhanced functioning of the operational presence in Cambodia of the Centre for Human Rights;

(b) To provide all necessary resources, from within the regular budget of the United Nations, to enable the Special Representative to continue to fulfil his tasks expeditiously;

(c) Through the Special Representative, in collaboration with the Centre for Human Rights, to examine any request by the Government of Cambodia for assistance in responding to past serious violations of Cambodian and international law as a means of bringing about national reconciliation, strengthening democracy and addressing the issue of individual accountability;

(d) To consider favourably, within existing United Nations resources, any request from the Government of Cambodia for assistance in the holding of elections in Cambodia.

1997/260. Question of arbitrary detention

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/50 of 15 April 1997,[33] endorsed the Commission's decision to renew, for a three-year period, the mandate of the Working Group on Arbitrary Detention, composed of five independent experts entrusted with the task of investigating cases of deprivation of liberty imposed arbitrarily, provided that no final decision had been taken in such cases by domestic courts in conformity with domestic law, with the relevant international standards set forth in the Universal Declaration of Human Rights[41] and with the relevant international instruments accepted by the States concerned, and approved the Commission's request to the Secretary-General to ensure that the Working Group receives all necessary assistance, particularly in regard to staffing and resources needed to discharge its mandate, and notably with respect to field missions.

1997/261. Assistance to Guatemala in the field of human rights

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/51 of 15 April 1997,[33] approved the Commission's request to the Secretary-General to send a mission to Guatemala at the end of 1997, within the approved overall budget for the current biennium, to submit a report to the Commission at its fifty-fourth session on the evolution of the situation of human rights in Guatemala in the light of the implementation of the Peace Agreements, taking into account the work of the United Nations Verification Mission in Guatemala and the information submitted by the Government of Guatemala, the Follow-up Commission on compliance with the Peace Agreements, political organizations and non-governmental human rights organizations, as well as on the implementation of the agreement on the provision of advisory services in the field of human rights signed by the Government of Guatemala and the United Nations High Commissioner for Human Rights, with a view to concluding the consideration of the case of Guatemala by the Commission.

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[41] General Assembly resolution 217 A (III).

1997/262. Situation of human rights in Haiti

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/52 of 15 April 1997,[33] approved the Commission's request to the General Assembly to study the possibility of extending the mandate of the International Civilian Mission to Haiti, which expires in July 1997, and its invitation to the independent expert to inform the General Assembly at its fifty-second session and the Commission on Human Rights at its fifty-fourth session on the development of the human rights situation in Haiti.

1997/263. Situation of human rights in Nigeria

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/53 of 15 April 1997,[33] endorsed the Commission's decision to invite the Chairman of the Commission to appoint, after consultations with the Bureau, a special rapporteur on the situation of human rights in Nigeria, with a mandate to establish direct contacts with the authorities and the people of Nigeria, approved the Commission's request to the special rapporteur to report to the General Assembly at its fifty-second session and to the Commission at its fifty-fourth session, on the basis of any information that might be gathered, and to keep a gender perspective in mind when seeking and analysing information, and endorsed the Commission's decision to request the Secretary-General, in the discharge of his good offices mandate and in cooperation with the Commonwealth, to continue further discussions with the Government of Nigeria and to report on progress in the implementation of Commission resolution 1997/53 and possibilities for the international community to lend practical assistance to Nigeria in achieving the restoration of democratic rule and the full enjoyment of human rights and fundamental freedoms.

1997/264. Situation of human rights in the Islamic Republic of Iran

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/54 of 15 April 1997,[33] endorsed the Commission's decision to extend for a further year the mandate of the Special Representative on the situation of human rights in the Islamic Republic of Iran, as contained in Commission resolution 1984/54 of 14 March 1984,[42] approved the Commission's request to the Special Representative to submit an interim report to the General Assembly at its fifty-second session on the situation of human rights in the Islamic Republic of Iran, to report to the Commission at its fifty-fourth session, and to keep a gender perspective in mind when seeking and analysing information, and approved the Commission's decision to request the Secretary-General to continue to give all necessary assistance to the Special Representative to enable him to discharge his mandate fully.

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[42] See *Official Records of the Economic and Social Council, 1984, Supplement No. 4* and corrigendum (E/1984/14 and Corr.1), chap. II, sect. A.

1997/265. Human rights situation in southern Lebanon and West Bekaa

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/55 of 15 April 1997,[41] approved the Commission's request to the Secretary-General:

(a) To bring the resolution to the attention of the Government of Israel and to invite that Government to provide information concerning the extent of its implementation thereof;

(b) To report to the General Assembly at its fifty-second session and to the Commission on Human Rights at its fifty-fourth session on the results of his efforts in that regard.

1997/266. Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/57 of 15 April 1997:[41]

(a) Approved the Commission's request to the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territories of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), in addition to the activities mandated in Commission resolutions 1994/72 of 9 March 1994[43] and 1996/71 of 23 April 1996:[44]

(i) To focus her future activities on the prevention and reporting of violations of, and lack of action to protect, all human rights and fundamental freedoms by governmental authorities, particularly violations that exacerbate ethnic tension, and on protecting the rights of persons belonging to minorities, women and vulnerable groups such as children and the elderly, particularly their right to return to their homes in safety and dignity;

(ii) To continue to support the efforts of the High Representative to report on the implementation of the Peace Agreement[45] by exchanging information and advice on the human rights situation in the territories covered by her mandate with the High Representative, the Organization for Security and Cooperation in Europe and other competent organizations, and by providing to the High Representative her recommendations concerning compliance with the human rights elements of the Agreement;

(iii) To contribute to the efforts for the building of democratic institutions and the improvement of the administration of justice, for the prevention and reporting of violations by civil authorities, particularly violations that exacerbate ethnic tension, and for the protection of the rights of persons belonging to minorities, women and vulnerable groups such as children and the elderly, particularly their right to return to their homes in safety and dignity;

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[43] Ibid., 1994, Supplement No. 4 and corrigendum (E/1994/24 and Corr.1), chap. II, sect. A.

[44] Ibid., 1996, Supplement No. 3 (E/1996/23), chap. II, sect. A.

[45] See A/50/790-S/1995/999.

(iv) To act on behalf of the United Nations in dealing with the question of the missing, including through participation in the Expert Group on Exhumations and Missing Persons of the Office of the High Representative and the Working Group on Missing Persons chaired by the International Committee of the Red Cross, and attendance at meetings of the International Commission on Missing Persons, to contribute to a smooth transition between the mandate of the expert for the special process and the organizations to which his functions are to be transferred, and to report to the Commission on Human Rights about activities concerning missing persons in the former Yugoslavia;

(v) To provide the Commission at its fifty-fourth session with her overview of the human rights situation in the territories covered by her mandate, as requested in Commission resolution 1996/71;

(b) Endorsed the Commission's decision to extend the mandate of the Special Rapporteur for one year, as revised in Commission resolution 1997/57, and its request that she continue her vital efforts, especially by continuing to carry out missions to Bosnia and Herzegovina, the Republic of Croatia, including Eastern Slavonia, Baranja and Western Sirmium, and the Federal Republic of Yugoslavia (Serbia and Montenegro), including to Kosovo, as well as to Sandjak and Vojvodina, and that she continue to submit periodic reports to the General Assembly and the Commission on Human Rights;

(c) Also endorsed the Commission's decision:

(i) To request the Special Rapporteur to submit a final report on the former Yugoslav Republic of Macedonia to the Commission no later than 30 September 1997 and, unless the Special Rapporteur recommends otherwise in her report, to discontinue its consideration of the former Yugoslav Republic of Macedonia upon delivery of that report;

(ii) To request the Secretary-General to continue to make the reports of the Special Rapporteur available to the Security Council and the Organization for Security and Cooperation in Europe;

(iii) To urge the Secretary-General to make available, from within existing resources, all necessary resources for the Special Rapporteur to carry out her mandate successfully and, in particular, to provide her with adequate staff based in the territories covered by her mandate to ensure effective continuous monitoring of the human rights situation there and coordination with other international organizations involved.

1997/267. Situation of human rights in the Democratic Republic of the Congo[46]

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/58 of 15 April 1997:[33]

(a) Endorsed the Commission's decision:

(i) To request the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out a joint mission to investigate allegations of massacres and other issues affecting human rights that arise from the situation prevailing in the eastern region of the country since September 1996 and to report to the General Assembly by 30 June 1997 and to the Commission at its fifty-fourth session;

(ii) To request the United Nations High Commissioner for Human Rights to facilitate the activities of the joint mission, in particular with respect to its funding, in order to accelerate its work, and to provide appropriate technical expertise to enable the mission to fulfil its mandate;

(b) Also endorsed the Commission's decision:

(i) To extend for a further year the mandate of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, to request the Special Rapporteur to submit an interim report to the General Assembly at its fifty-second session and a report to the Commission at its fifty-fourth session, and, in drawing up his reports, including in the collection of information and recommendations, that he continue to apply a gender perspective to a greater extent;

(ii) To request the Secretary-General to continue to give the Special Rapporteur all necessary assistance to enable him to discharge his mandate fully.

1997/268. Situation of human rights in the Sudan

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/59 of 15 April 1997,[33] endorsed the Commission's decision to extend for an additional year the mandate of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan, approved its request to the Secretary-General to give the Special Rapporteur all necessary assistance, from within existing resources, in the discharge of his mandate, and also approved the Commission's request to the Special Rapporteur to report to the Commission on the future need for human rights field officers, with the understanding that at its fifty-fourth session the Commission would reassess such need, and to report his findings and recommendations to the General Assembly at its fifty-second session and to the Commission at its fifty-fourth session.

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[46] The name of the Member State known formerly as Zaire was changed on 17 May 1997 to "Democratic Republic of the Congo".

1997/269. Situation of human rights in Iraq

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/60 of 16 April 1997,[33] endorsed the Commission's decision to extend for a further year the mandate of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq, as contained in Commission resolution 1991/74 of 6 March 1991[47] and subsequent resolutions, and to request the Special Rapporteur to submit an interim report on the situation of human rights in Iraq to the General Assembly at its fifty-second session and a report to the Commission at its fifty-fourth session, and also approved the Commission's request to the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully, and to approve the allocation of sufficient human and material resources for the sending of human rights monitors to such locations as would facilitate improved information on the situation of human rights in Iraq.

1997/270. Extrajudicial, summary or arbitrary executions

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/61 of 16 April 1997,[33] approved the Commission's request to the Secretary-General:

(a) To provide the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions, from within existing resources, with additional human, financial and material resources, in order to enable him to carry out his mandate effectively, including through country visits;

(b) To continue to ensure, in close collaboration with the United Nations High Commissioner for Human Rights, in conformity with the mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious human rights violations, such as extrajudicial, summary or arbitrary executions.

1997/271. Situation of human rights in Cuba

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/62 of 16 April 1997,[33] endorsed the Commission's decision to extend for one year the mandate of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Cuba, approved its request to the Secretary-General to provide all necessary assistance to the Special Rapporteur, and also approved the Commission's request to the Special Rapporteur to submit an interim report to the General Assembly at its fifty-second session and a report to the Commission at its fifty-fourth session on the results of his endeavours pursuant to Commission resolution 1997/62.

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[47] See Official Records of the Economic and Social Council, 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

1997/272. Situation of human rights in Myanmar

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/64 of 16 April 1997,[33] endorsed the Commission's decision to extend for a further year the mandate of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar, as contained in Commission resolution 1992/58 of 3 March 1992,[48] and to request the Special Rapporteur to submit an interim report to the General Assembly at its fifty-second session and a report to the Commission at its fifty-fourth session, keeping a gender perspective in mind when seeking and analysing information, and also approved the Commission's request to the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully.

1997/273. Situation of human rights in Afghanistan

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/65 of 16 April 1997,[33] endorsed the Commission's decision to extend for one year the mandate of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan, and to request the Special Rapporteur to report on the situation of human rights in Afghanistan to the Commission at its fifty-fourth session and to consider submitting a report to the General Assembly at its fifty-second session, approved the Commission's request to the Secretary-General to give all necessary assistance to the Special Rapporteur, and also approved the Commission's request to the United Nations High Commissioner for Human Rights to ensure a human rights presence in the context of the United Nations activities in Afghanistan in order to provide professional advice to all the Afghan parties, as well as to the intergovernmental and non-governmental organizations active in the field.

1997/274. Situation of human rights in Rwanda

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/66 of 16 April 1997:[33]

(a) Approved the Commission's request to the Chairman of the Commission to appoint a special representative with the mandate to make recommendations on how to improve the human rights situation in Rwanda, to facilitate the creation and effective functioning of an independent national human rights commission in Rwanda, and also to make recommendations concerning situations in which technical assistance to the Government of Rwanda in the field of human rights might be appropriate, as well as the Commission's request to the special representative to report to the General Assembly at its fifty-second session and to the Commission at its fifty-fourth session in accordance with his mandate;

(b) Also approved the Commission's request to the United Nations High Commissioner for Human Rights:

(i) To continue to report regularly on the activities and findings of the Human Rights Field Operation in Rwanda, and to make those reports widely and promptly available to both the Commission on Human Rights and the General Assembly;

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[48] Ibid., 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

(ii) To submit a report to the Commission on Human Rights at its fifty-fourth session and to the General Assembly at its fifty-second session on the implementation of Commission resolution 1997/66, under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

1997/275. Situation of human rights in Equatorial Guinea and assistance in the field of human rights

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/67 of 16 April 1997,[33] endorsed the Commission's decision to renew for one year the mandate of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Equatorial Guinea, approved its request to the Special Rapporteur to report to the Commission at its fifty-fourth session, also approved the Commission's request to the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the discharge of his mandate, approved the Commission's request to the Office of the United Nations High Commissioner for Human Rights to establish a technical cooperation programme for strengthening the national capacities of Equatorial Guinea in the field of human rights, and further approved the Commission's request to the Office of the United Nations High Commissioner for Human Rights and the Special Rapporteur to continue their technical assistance projects in partnership with the Government of Equatorial Guinea and in cooperation with the United Nations Development Programme and other United Nations agencies working in the field of human rights.

1997/276. The right to development

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/72 of 16 April 1997,[33] approved the Commission's request to the Secretary-General to submit to the General Assembly at its fifty-third session and to the Commission on Human Rights at its fifty-fourth session a comprehensive report on the implementation of the various provisions of Commission resolution 1997/72.

1997/277. Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/73 of 18 April 1997,[33] endorsed the Commission's request to the Secretary-General to provide the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, without further delay, with all the necessary assistance and resources to carry out his mandate and enable him to submit an interim report to the General Assembly at its fifty-second session and a comprehensive report to the Commission at its fifty-fourth session.

1997/278. Human rights and mass exoduses

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/75 of 18 April 1997,[33] approved the Commission's request to the Secretary-General to give high priority and to allocate the necessary resources to the consolidation and strengthening of the system for undertaking early-warning activities for the purpose of ensuring, inter alia, that effective action is taken to identify all human rights abuses that contribute to mass outflows of persons, and to invite comments on the subject.

1997/279. Strengthening of the Office of the United Nations High Commissioner for Human Rights

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/76 of 18 April 1997,[33] endorsed the Commission's decision to reiterate its request to the Secretary-General to provide the human rights programme with all the necessary human, financial and material resources in future regular budgets of the United Nations, and in particular to take this into account in the budget for the biennium 1998-1999.

1997/280. Situation of human rights in Burundi

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/77 of 18 April 1997,[33] endorsed the Commission's decision to extend for an additional year the mandate of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Burundi, and its request to the Special Rapporteur to submit an interim report on the situation of human rights in Burundi to the General Assembly at its fifty-second session and a report to the Commission at its fifty-fourth session, and to apply a gender perspective in preparing his reports.

1997/281. Rights of the child

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/78 of 18 April 1997,[33] endorsed the Commission's decision:

(a) With regard to the Committee on the Rights of the Child, to request the Secretary-General to ensure the provision of appropriate staff and facilities for the effective and expeditious performance of the functions of the Committee, while noting the Plan of Action of the United Nations High Commissioner for Human Rights to strengthen the implementation of the Convention on the Rights of the Child;

(b) With regard to the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography, to request the Secretary-General to provide the Special Rapporteur with all necessary assistance and to urge all relevant parts of the United Nations system to provide the Special Rapporteur with comprehensive reporting to make the full discharge of her mandate possible and to enable her to submit an interim report to the General Assembly at its fifty-second session and a report to the Commission at its fifty-fourth session;

(c) With regard to the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, to request the working group on the question of a draft optional protocol on the sale of children, child prostitution and child pornography to meet for a period of two weeks, or less if possible, prior to the fifty-fourth session of the Commission, in order to finalize the draft optional protocol before the tenth anniversary of the Convention on the Rights of the Child;

(d) With regard to the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, to request the working group on a draft optional protocol on the involvement of children in armed conflict to meet for a period of two weeks, or less if possible, prior to the fifty-fourth session of the Commission, in order to finalize the draft optional protocol.

1997/282. Human rights and the environment

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights decision 1997/102 of 3 April 1997,[49] approved the Commission's decision to invite the Secretary-General to bring his reports on the question of human rights and the environment[50] and the Commission's own consideration of the question to the attention of the General Assembly at its special session for the purpose of an overall review and appraisal of the implementation of Agenda 21, the Commission on Sustainable Development, the United Nations Environment Programme, the United Nations Development Programme and other relevant international bodies and organizations.

1997/283. Effects of structural adjustment policies on the full enjoyment of human rights

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights decision 1997/103 of 3 April 1997,[49] endorsed the Commission's decision to authorize the open-ended working group on structural adjustment programmes and economic, social and cultural rights to meet for one week, at least four weeks before the fifty-fourth session of the Commission, with a mandate to gather and analyse information on the efforts of structural adjustment programmes on economic, social and cultural rights and to elaborate basic policy guidelines on structural adjustment programmes and economic, social and cultural rights, which could serve as a basis for a continued dialogue between human rights bodies and international financial institutions, and to report to the Commission at its fifty-fourth session. To enable the working group to carry out its mandate, the Council decided:

(a) To request the Chairman of the Commission on Human Rights, in consultation with the regional groups, to appoint an independent expert, preferably an economist specialized in the area of structural adjustment programmes, to study the effects of structural adjustment policies on economic, social and cultural rights in cooperation with the Centre for Human Rights. The expert should update previous work done on the subject within as well as outside the United Nations and submit a consolidated study, including a draft set of guidelines, to the Commission at its fifty-fourth session;

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[49] Ibid., 1997, Supplement No. 3 (E/1997/23), chap. II, sect. B.

[50] E/CN.4/1996/23 and Add.1 and 2 and E/CN.4/1997/18.

(b) To request the Secretary-General to circulate the study to Governments, United Nations bodies, in particular the regional commissions, specialized agencies, intergovernmental organizations, non-governmental organizations, particularly those involved in development, and academic institutions and organizations representing disadvantaged and vulnerable groups, and to invite them to submit their comments thereon to the working group at its next session;

(c) To request the Secretary-General to invite and encourage, in particular, non-governmental organizations involved in development and working in the field to participate actively in the sessions of the working group;

(d) To request the Secretary-General to provide all the necessary assistance and resources to enable the working group to complete its work and to provide the independent expert with all the necessary assistance and resources to carry out his or her mandate.

1997/284. Traditional practices affecting the health of women and children

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights decision 1997/108 of 11 April 1997[49] and resolution 1996/19 of 29 August 1996 of the Subcommission on Prevention of Discrimination and Protection of Minorities,[51] approved the Commission's decision to endorse the decision of the Subcommission to extend for a further two years the mandate of the Special Rapporteur on traditional practices affecting the health of women and children, Ms. Halima Embarek Warzazi, to enable her to follow up and monitor developments in the elimination of traditional practices affecting the health of women and children through, in particular, the implementation of the Plan of Action for the Elimination of Traditional Practices Affecting the Health of Women and Children.[52]

1997/285. The right to a fair trial

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, recalling its decision 1995/299 of 25 July 1995 and taking note of Commission on Human Rights decision 1997/109 of 11 April 1997,[49] approved the Commission's decision to endorse the request of the Subcommission on Prevention of Discrimination and Protection of Minorities that the full and updated study on the right to a fair trial and a remedy be published, as described in Subcommission resolution 1996/29 of 29 August 1996,[53] and requested the

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[51] See E/CN.4/1997/2-E/CN.4/Sub.2/1996/41, chap. II, sect. A.

[52] E/CN.4/Sub.2/1994/10/Add.1 and Corr.1.

[53] See E/CN.4/1997/2-E/CN.4/Sub.2/1996/41, chap. II, sect. A.

Secretary-General to provide all assistance necessary for the compilation and publication of the updated study.

1997/286. Question of human rights and states of emergency

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights decision 1997/110 of 11 April 1997[49] and resolution 1996/30 of 29 August 1996 of the Subcommission on Prevention of Discrimination and Protection of Minorities[53] endorsed the Commission's decision to request the Special Rapporteur on the question of human rights and states of emergency, Mr. Leandro Despouy, to submit, in his tenth annual report, an updated list of State that have proclaimed, extended or terminated a state of emergency, together with final conclusions on the protection of human rights during states of emergency and specific recommendations on how the question should be dealt with in the future.

1997/287. Protection of the heritage of indigenous people

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights decision 1997/112 of 11 April 1997[49] and resolution 1996/37 of 29 August 1996 of the Subcommission on Prevention of Discrimination and Protection of Minorities,[53] endorsed the Commission's decision to recommend that the Special Rapporteur on the protection of the heritage of indigenous people, Ms. Erica-Irene A. Daes, be entrusted with a continuing mandate to exchange information with all parts of the United Nations system involved in activities concerned with the heritage of indigenous people, with a view to facilitating cooperation and coordination and to promoting the full participation of indigenous people in those efforts, and approved the Commission's request to the Secretary-General to provide the Special Rapporteur with all the assistance necessary to accomplish her work.

1997/288. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights decision 1997/113 of 11 April 1997[49] and decision 1996/118 of 29 August 1996 of the Subcommission on Prevention of Discrimination and Protection of Minorities,[53] approved the Commission's decision to endorse the decision of the Subcommission to request the Special Rapporteur on the study on treaties, agreements and other constructive arrangements between States and indigenous populations, Mr. Miguel Alfonso Martínez, to submit his final report in time for it to be considered by the Working Group on Indigenous Populations at its fifteenth session and by the Subcommission at its forty-ninth session. The Council also approved the Commission's request to the Secretary-General to give the Special Rapporteur all the assistance necessary to enable him to conclude his study, in particular by providing for specialized research assistance and for special consultations with the Centre for Human Rights.

1997/289. Study on indigenous land rights

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights decision 1997/114 of 11 April 1997[49] and resolution 1996/38 of 29 August 1996 of the Subcommission on Prevention of Discrimination and Protection of Minorities,[53] endorsed the Commission's decision to approve the appointment of Ms. Erica-Irene A. Daes as Special Rapporteur to prepare, from within existing resources, a working paper on indigenous people and their relationship to land with a view to suggesting practical measures to address ongoing problems in that regard, and approved the Commission's request to the Secretary-General to provide the Special Rapporteur with the assistance necessary to enable her to complete her work.

1997/290. Organization of the work of the Commission on Human Rights at its fifty-fourth session

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights decision 1997/119 of 16 April 1997,[49] authorized, if possible, within existing financial resources, forty fully serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council, for the Commission's fifty-fourth session, and approved the Commission's request to the Chairman of the Commission at its fifty-fourth session to make every effort to organize the work of the session within the times normally allotted, so that the additional meetings authorized by the Council would be utilized only if absolutely necessary.

1997/291. Dates of the fifty-fourth session of the Commission on Human Rights

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights decision 1997/123 of 18 April 1997,[49] approved the Commission's recommendation, in the light of the positive experience gained by rescheduling the dates of its fifty-second and fifty-third sessions, pursuant to Council decision 1994/297 of 29 July 1994, and bearing in mind Council decision 1995/296 of 25 July 1995, that the dates for the Commission's annual regular session be rescheduled to take place in March/April each year, instead of earlier in the year, and that, accordingly, the fifty-fourth session be rescheduled to take place from 16 March to 24 April 1998.

1997/292. Sixth and Seventh United Nations Regional Cartographic Conferences for the Americas

At its 39th plenary meeting, on 23 July 1997, the Economic and Social Council endorsed the following recommendations of the Sixth United Nations Regional Cartographic Conference for the Americas:

(a) That the Seventh United Nations Regional Cartographic Conference for the Americas be convened for five days not later than early 2001;

(b) To request the Secretary-General to promote an ongoing dialogue between Member States and other stakeholders to ensure the implementation of the resolutions of the Sixth United Nations Regional Cartographic Conference for the Americas.

1997/293. Racism, racial discrimination, xenophobia and related intolerance

At its 39th plenary meeting, on 23 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/74 of 18 April 1997:[53]

(a) Approved the following requests of the Commission:

(i) To the Secretary to submit to the General Assembly at its fifty-second session a detailed report on the financial and personnel resources required for the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and to invite the General Assembly to consider the possibility of providing the resources required for the implementation of the Programme of Action for the Decade;

(ii) To the United Nations High Commissioner for Human Rights to take duly into account, within the framework of the restructuring of the Centre for Human Rights, the repeated appeals of the General Assembly and the Economic and Social Council for the establishment of a mechanism within the Centre for Human Rights as a focal point for coordinating all the activities of the Third Decade before they are carried out by the United Nations;

(iii) To the Secretary-General to provide the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, without further delay, with all the necessary assistance and resources to carry out his mandate and enable him to submit an interim report to the General Assembly at its fifty-second session and a comprehensive report to the Commission at its fifty-fourth session;

(b) Endorsed the Commission's decision to recommend to the General Assembly the convening of a world conference on racism, racial discrimination, xenophobia and related intolerance, whose main objectives should be:

(i) To review the progress made in the fight against racism, racial discrimination, xenophobia and related intolerance, particularly since the adoption of the Universal Declaration of Human Rights,[54] and to reappraise the obstacles to further progress in the field and ways to overcome them;

(ii) To consider ways and means better to ensure the application of existing standards and the implementation of the existing instruments to combat racism, racial discrimination, xenophobia and related intolerance;

(iii) To increase the level of awareness about the scourge of racism, racial discrimination, xenophobia and related intolerance;

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[54] General Assembly resolution 217 A (III).

(iv) To formulate concrete recommendations on ways to increase the effectiveness of the activities and mechanisms of the United Nations through programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance;

(v) To review the political, historical, economic, social, cultural and any other factors leading to racism, racial discrimination, xenophobia and related intolerance;

(vi) To formulate concrete recommendations to further action-oriented national, regional and international measures to combat all forms of racism, racial discrimination, xenophobia and related intolerance;

(vii) To draw up concrete recommendations for ensuring that the United Nations has the financial and other necessary resources for its action to combat racism, racial discrimination, xenophobia and related intolerance;

(c) Also endorsed the Commission's recommendations to the General Assembly:

(i) That the world conference on racism, racial discrimination, xenophobia and related intolerance be convened not later than the year 2001;

(ii) That when deciding on the agenda of the world conference it take into consideration, *inter alia*, the need to address in a comprehensive manner all forms of racism, racial discrimination, xenophobia and related contemporary forms of intolerance;

(iii) That the world conference be action-oriented and focus on practical measures to eradicate racism, including through measures of prevention, education and protection and the provision of effective remedies, taking into full consideration the existing human rights instruments;

(iv) That it decide that the Commission on Human Rights should act as the preparatory committee for the world conference and that its deliberations should be open-ended, allowing for the full participation of all States Members of the United Nations, members of specialized agencies and observers, in accordance with established practice;

(v) That it request Governments, the specialized agencies, other international organizations, concerned United Nations bodies, regional organizations, non-governmental organizations concerned with human rights, the Committee on the Elimination of Racial Discrimination, the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and other human rights mechanisms to assist the preparatory committee and to undertake reviews and submit recommendations concerning the conference and the preparations therefor to the preparatory committee through the Secretary-General and to participate actively in the conference;

(vi) That it call upon States and regional organizations to hold national or regional meetings or to take other initiatives in preparation for the world conference;

(vii) That it request regional preparatory meetings to submit reports to the preparatory committee, through the Secretary-General, on the outcome of their deliberations, including practical and action-oriented recommendations to combat racism, racial discrimination, xenophobia and related intolerance;

(d) Approved the Commission's recommendation that the world conference on racism, racial discrimination, xenophobia and related intolerance be conducted effectively and efficiently and that its size, duration and other cost factors be determined with due regard for economy.

1997/294. Report of the Secretary-General on assistance to the Palestinian people

At the 40th plenary meeting, on 23 July 1997, the Economic and Social Council took note of the report of the Secretary-General on assistance to the Palestinian people.[55]

1997/295. Applications for consultative status received from non-governmental organizations

At its 40th plenary meeting, on 23 July 1997, the Economic and Social Council decided to grant the following non-governmental organizations consultative status:

General consultative status

Adventist Development and Relief Agency (ADRA)

Arab Towns Organization

Association for Women in Development (AWID)

Comité directeur international sur la promotion économique des femmes rurales (CDI)

Green Cross International (GCI)

ORBICOM, Réseau des chaires UNESCO en communication

Organization of World Heritage Cities

Women's Federation for World Peace International

World Confederation of Productivity Science (WCPS)

Special consultative status

American Bar Association

American Jewish Committee

Anti-Racism Information Service (ARIS)

Asian Federation of Laryngectomees Associations (AFLA)

Association des habitants d'El Mourouj 2

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[55] A/52/159-E/1997/69.

Association Fès-Saiss

Association lumière et espoir pour les filles aveugles

Association of Refugees and Displaced Persons of the Republic of Bosnia and Herzegovina

Association of the Bar of the City of New York

Association pour la protection de la nature et de l'environment, Kairouan

ATLAS - Association tunisienne pour l'auto-développement et la solidarité

Australian Catholic Social Justice Council (ACSJC)

Bangladesh Mahila Parishad

Cairo Institute for Human Rights Studies

Canadian Chemical Producers' Association

Canadian Council of Churches

Canadian Environmental Network

Canadian Voice of Women for Peace

Center for Reproductive Law and Policy (CRLP)

Centro de Investigación Social, Formación y Estudios de la Mujer (CISFEM)

Félix Varela Center

Children of a Better Time

CIVICUS: World Alliance for Citizen Participation

Collectif 95 Maghreb Egalité

Comité d'action pour les droits de l'enfant et de la femme (CADEF)

Comité maritime international

Communication and Development Institute

Confederation of Business Women of Russia

Congress of Black Women of Canada

Conseil national de la jeunesse et de l'avenir (CNJA)

Consortium for Street Children

Council on Economic Priorities

December Twelfth Movement International Secretariat

Development through Savings and Credit

English International Association of Lund (Sweden)

Egyptian Red Crescent Society

Energy 21

Enfants du monde - Droits de l'homme

Equality Now

Equilibre

European Bureau for Lesser Used Languages (EBLUL)

European Law Students' Association (ELSA)

Family Care International

Federation of American Women's Clubs Overseas (FAWCO)

Federation of Cuban Women

Fondation canadienne des droits de la personne

Fondation El Kef pour le développement régional

Fondation Maman Henriette Conte

Fondazione San Patrignano

Foundation for International Training (FIT)

GCS (Global Cooperation for a Brighter Society)

Geneva International Peace Research Institute

Indian Movement "Tupaj Amaro"

INNU Council of Nitassinan (INNU Nation)

Institut arabe des droits de l'homme

Institute for War and Peace Reporting

Integrated Care Society

International Association against Drug Abuse and Drug Trafficking (IAADADT)

International Association of Intercultural Studies (IAIS)

International Black Sea Club

International Centre for Ethnic Studies

International Council of Human Duties

International Critical Incident Stress Foundation

International Federation of Building and Wood Workers (IFBWW)

International Federation of Catholic Medical Associations (FIAMC)

International Helsinki Federation for Human Rights (IHF)

International Islamic Charitable Organization

International Organisation for the Provision of Work for Persons with Disabilities and Who Are Occupationally Handicapped (IPWH)

International Women Bond

Islamic World Studies Centre

Latin American and Caribbean Continental Organization of Students (OCLAE)

League of Women Voters of the United States (LWVUS)

Learning for a Sustainable Future (LSF)

Mani Tese '76

Mega-Cities Project, Inc.

Mother and Child African Relief Organization

Narcotics Anonymous World Services

National Action Committee on the Status of Women (NAC) (Canada)

National Anti-Poverty Organization

National Association for the Protection of the Environment

National Association of Cuban Economists

National Council for Research on Women

National Council of Women of Canada

National Tropical Botanical Garden

National Union of Jurists of Cuba

NAVJYOTI (Delhi Police Foundation for Correction, De-addiction and Rehabilitation)

Network of Women's Non-Governmental Organizations in the Islamic Republic of Iran

Norwegian People's Aid (NPA)

Open Society Institute

Organisation tunisienne de l'éducation et de la famille

Partenariat afrique Canada (PAC)

Peace Child International

Professional Association of Independent Institutions Concerned with Addiction (Fachverband Freier Einrichungen in der Suchtarbeit (FES))

PSU Foundation (Programme Support Unit Foundation)

Public Services International

Publication and Coordination Centre of Islamic Ideology and Sufi-ism

Qatar Charitable Society

Réseau femmes africaines et droits humains (REFAD)

Rivers Club

Rural Enterprising as a Community Help (REACH)

Rural Reconstruction Nepal

Society for Development of Services in Heliopolis

Stichting Samenwerking Vastenaktie/CEBEMO

Summer Institute of Linguistics (SIL)

Synergos Institute Inc.

Teenage Mother Civil Association

Treaty Four

Unitarian Universalist Association

Unitarian Universalist Service Committee

United for Intercultural Action

Wellstart International

Women's National Commission

Women's Political Network of Pennsylvania (USA)

World Evangelical Fellowship (WEF)

Roster

AEF International

Catholic Women's League Australia Incorporated (CWLA)

Caucasians United for Reparations and Emancipation (CURE/AFRE)

Deprived Child! And You

Edison Electric Institute (EEI)

Education Center for Women in Democracy (ECWD)

European Boating Association (EBA)

European Union of Developers and House Builders (UEPC)

Federation of Zoroastrian Associations of North America (FEZANA)

Foundation for Democracy in Africa

International Association for Natural Gas Vehicles (IANGV)

International Association of Mayors of Northern Cities

International Council of Toy Industries, Ltd. (ICTI)

Institute of Objective Studies (IOS)

Medical Care Development International (MCD)

Métis National Council

Oceans Institute of Canada

Rural Advancement Foundation International (RAFI)

Société internationale de droit militaire et de droit de la guerre

3HO Foundation, Inc. (Healthy, Happy, Holy Organization, Inc.)

1997/296. Resumed 1997 session of the Committee on Non-Governmental Organizations

At its 40th plenary meeting, on 23 July 1997, the Economic and Social Council decided to authorize the Committee on Non-Governmental Organizations to hold a resumed session for a period of one week in January 1998 in order to complete the work of its 1997 session.

1997/297. Meetings of the Committee on Non-Governmental Organizations

At its 40th plenary meeting, on 23 July 1997, the Economic and Social Council decided:

(a) To authorize the Committee on Non-Governmental Organizations to hold a maximum of three sessions with a total duration of three weeks in 1998 and, unless the Committee subsequently recommends otherwise, in subsequent years;

(b) To authorize the Committee to hold informal meetings prior to each session in 1998 and subsequent years for the purpose of clarifying matters arising from applications for consultative status;

(c) To authorize the Committee to meet for five days prior to its 1998 session to consider enlargement of the Committee and issues related to the Committee's methods of work.

1997/298. Participation of non-governmental organizations accredited to the Fourth World Conference on Women in the work of the Commission on the Status of Women at its forty-second session, non-governmental organizations accredited to the World Summit for Social Development in the work of the Commission for Social Development at its thirty-sixth session, and non-governmental organizations accredited to the International Conference on Population and Development in the work of the Commission on Population and Development at its thirty-first session

At its 40th plenary meeting, on 23 July 1997, the Economic and Social Council decided:

(a) As an interim measure and in conformity with the provisions of paragraph 53 of its resolution 1996/31 of 25 July 1996:

(i) To invite those non-governmental organizations that were accredited to the Fourth World Conference on Women or the World Summit for Social Development to attend the forty-second session of the Commission on the Status of Women or the thirty-sixth session of the Commission for Social Development, provided that they have started the process of applying for consultative status in accordance with Council decision 1996/315 of 14 November 1996;

(ii) Also to invite non-governmental organizations that were accredited to the International Conference on Population and Development to attend the thirty-first session of the Commission on Population and Development, provided that they have applied for consultative status;

(b) To request the Secretary-General to draw the attention of the non-governmental organizations accredited to the Fourth World Conference on Women, the World Summit for Social Development or the International Conference on Population and Development to the provisions of the present decision and to the process established under Council resolution 1996/31.

1997/299. Documents considered by the Economic and Social Council in connection with coordination, programme and other questions

At its 41st plenary meeting, on 24 July 1997, the Economic and Social Council took note of the following documents:

(a) Note by the Secretary-General transmitting the comments of the Administrative Committee on Coordination on the report of the Joint Inspection Unit entitled "Review of financial resources allocated by the United Nations system to activities by non-governmental organizations";[56]

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[56] A/52/114-E/1997/46.

(b) Note by the Secretary-General transmitting the comments of the Administrative Committee on Coordination on the report of the Joint Inspection Unit entitled 'Coordination of policy and programming frameworks for more effective development cooperation'.[57]

1997/300. Reports of coordination bodies considered by the Economic and Social Council

At its 41st plenary meeting, on 24 July 1997, the Economic and Social Council took note of the following reports:

(a) Annual overview report of the Administrative Committee on Coordination for 1996;[58]

(b) Report of the Committee for Programme and Coordination on the work of its thirty-seventh session.[59]

1997/301. Calendar of conferences and meetings for 1998 and 1999 in the economic, social and related fields

At its 41st plenary meeting, on 24 July 1997, the Economic and Social Council approved the calendar of conferences and meetings for 1998 and 1999 in the economic, social and related fields.[60]

1997/302. Session of the Economic and Social Council in 1998 on integrated and coordinated implementation and follow-up of the major United Nations conferences and summits

At its 42nd plenary meeting, on 25 July 1997, the Economic and Social Council, noting that General Assembly resolutions 50/227 of 24 May 1996, 51/240 of 20 June 1997, containing the Agenda for Development, and other relevant resolutions adopted by the Assembly and the Council, as well as the Council's agreed conclusions adopted in 1995, provide a basis for intergovernmental integrated and coordinated implementation and follow-up of the major United Nations conferences and summits:

(a) Decided to convene a session of the Council immediately following its organizational session for 1998, of two or three days' duration, to consider further the theme of integrated and coordinated implementation and follow-up of the major United Nations conferences and summits, with a view to assisting in the consideration of the item at its substantive session of 1998;

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[57] A/52/115-E/1997/47.

[58] E/1997/54 and Corr.1.

[59] Official Records of the General Assembly, Fifty-second Session, Supplement No. 16 (A/52/16).

[60] E/1997/L.18 and Add.1.

(b) Also decided that at that session special attention should be given to the outcome of the comprehensive review of the work of the task forces of the Administrative Committee on Coordination to be carried out by the Committee at its second regular session of 1997, as well as to enhancing the dialogue between the Council, its subsidiary bodies, United Nations funds and programmes and the organizations of the United Nations system, in particular within the context of the forthcoming reviews of United Nations conferences, with a view to ensuring integrated and coordinated follow-up to those conferences, in pursuit of their goals and commitments;

(c) Requested the Bureau of the Council, in consultation with the Secretariat, to make arrangements for that session.

1997/303. Report of the Secretary-General on progress made in the implementation of multisectoral collaboration on tobacco or health

At its 42nd plenary meeting, on 25 July 1997, the Economic and Social Council took note of the report of the Secretary-General on progress made in the implementation of multisectoral collaboration on tobacco or health.[61]

1997/304. Report of the Secretary-General on the possibilities of strengthening the coordination of the organizations and bodies of the United Nations system in the field of energy within the framework of the Administrative Committee on Coordination

At its 42nd plenary meeting, on 25 July 1997, the Economic and Social Council took note of the report of the Secretary-General on the possibilities of strengthening the coordination of the organizations and bodies of the United Nations system in the field of energy within the framework of the Administrative Committee on Coordination.[62]

1997/305. Election of members of the Bureau of the Commission on Science and Technology for Development other than the Chairman

At its 42nd plenary meeting, on 25 July 1997, the Economic and Social Council decided, without prejudice to the ongoing review being undertaken on the implementation of General Assembly resolution 50/227 of 24 May 1996 with regard to its subsidiary bodies:

(a) That an organizational meeting of the Commission on Science and Technology for Development should be held at Geneva or in New York as early as possible in January 1998 for a duration of half a day, within existing resources, for the sole purpose of electing the members of the Commission's Bureau other than the Chairman, the meeting to be attended by representatives of permanent missions at either venue;

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[61] E/1997/62.

[62] A/52/175-E/1997/75.

(b) That the current members of the Bureau should remain in office until 31 December 1997.

1997/306. Report of the Commission on Science and Technology for Development on its third session and provisional agenda and documentation for the fourth session of the Commission

At its 42nd plenary meeting, on 25 July 1997, the Economic and Social Council, without prejudice to the ongoing review being undertaken on the implementation of General Assembly resolution 50/227 of 24 May 1996 with regard to its subsidiary bodies:

(a) Took note of the report of the Commission on Science and Technology for Development on its third session;[63]

(b) Approved the provisional agenda and documentation for the fourth session of the Commission set out below.

PROVISIONAL AGENDA AND DOCUMENTATION FOR THE FOURTH SESSION OF THE COMMISSION ON SCIENCE AND TECHNOLOGY FOR DEVELOPMENT

1. Adoption of the agenda and other organizational matters.

2. Substantive theme: Science and technology partnerships and networking for national capacity-building.

   Documentation

   Report of the Secretary-General

3. Panel on biotechnology.

   Documentation

   Reports of the panel on biotechnology

4. Common vision on the future of science and technology for development on the occasion of the twentieth anniversary of the United Nations Conference on Science and Technology for Development.

   Documentation

   Report of panels/working groups on common vision on the future of science and technology for development

5. Budget and inter-sessional activities of the Commission.

   Documentation

   Note by the secretariat

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[63] Official Records of the Economic and Social Council, 1997, Supplement No. 11 (E/1997/31).

6. Coalition of resources.

Documentation

Note by the secretariat

7. Comprehensive note on implementation and progress made on decisions taken at the third session of the Commission, including follow-up work on information communication technologies and science, technology and innovation policy review.

Documentation

Note by the secretariat

8. Role and activities of the Commission regarding the coordination of science and technology for development.

Documentation

Note by the secretariat

9. Election of the Chairperson and other officers for the fifth session of the Commission.

10. Provisional agenda and organization of work for the fifth session of the Commission.

11. Other matters.

12. Adoption of the report of the Commission on its fourth session.

1997/307. Intergovernmental Working Group of Experts on International Standards of Accounting and Reporting and Intergovernmental Group of Experts on Restrictive Business Practices

At its 42nd meeting, on 25 July 1997, the Economic and Social Council decided:

(a) That the Intergovernmental Working Group of Experts on International Standards of Accounting and Reporting and the Intergovernmental Group of Experts on Restrictive Business Practices should continue to meet in accordance with their agreed upon mandates and composition but within the overall limit of ten expert meetings per annum, as provided for in paragraph 114 of the document entitled "A Partnership for Growth and Development",[64] and that they should retain their existing intergovernmental character and status;

(b) That the two bodies should operate within the framework of the Commission on Investment, Technology and Related Financial Issues, to which they should report;

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[64] Proceedings of the United Nations Conference on Trade and Development, Ninth Session, Midrand, Republic of South Africa, 27 April-11 May 1996, Report and Annexes (United Nations publication, Sales No. E.97.II.D.4), part one, sect. A.

(c) That each body should meet once a year unless otherwise decided by the Commission on Investment, Technology and Related Financial Issues;

(d) That a review of the functioning of the two bodies should be part of the special high-level review meeting envisaged in the Midrand Declaration.[64]

1997/308. Documents considered by the Economic and Social Council in connection with reports, conclusions and recommendations of subsidiary bodies: economic and environmental questions

At its 42nd plenary meeting, on 25 July 1997, the Economic and Social Council took note of the following documents:

(a) Report of the Secretary-General on the implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II);[65]

(b) Note by the Secretary-General transmitting the report prepared by the UNCTAD secretariat, entitled "Trade and environment: concrete progress achieved and some outstanding issues";[66]

(c) Report of the Commission on Sustainable Development on preparations for the special session of the General Assembly for the purpose of an overall review and appraisal of the implementation of Agenda 21;[67]

(d) Report of the Commission on Sustainable Development on its fifth session;[68]

(e) Report of the Committee for Development Planning on its thirty-first session;[69]

(f) Report of the Secretary-General on the Fourteenth United Nations Regional Cartographic Conference for Asia and the Pacific;[70]

(g) Report of the Secretary-General on the Sixth United Nations Regional Cartographic Conference for the Americas;[71]

(h) Report of the Secretary-General on the Thirteenth Meeting of Experts on the United Nations Programme in Public Administration and Finance;[72]

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[65] A/52/181-E/1997/77.

[66] A/S-19/4-E/1997/13 and Add.1.

[67] A/S-19/14-E/1997/60.

[68] Official Records of the Economic and Social Council, 1997, Supplement No. 9 (E/1997/29).

[69] Ibid., Supplement No. 15 (E/1997/35).

[70] E/1997/52.

[71] E/1997/82.

[72] E/1997/86.

(i) Extract from the report of the Governing Council of the United Nations Environment Programme on its nineteenth session;[73]

(j) Extract from the report of the Commission on Human Settlements on its sixteenth session.[74]

1997/309. Note by the Secretary-General on economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem, occupied since 1967, and on the Arab population of the Syrian Golan

At its 42nd plenary meeting, on 25 July 1997, the Economic and Social Council took note of the note by the Secretary-General on economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem, occupied since 1967, and on the Arab population of the Syrian Golan.[75]

1997/310. Review of the subsidiary bodies of the Economic and Social Council

At its 42nd plenary meeting, on 25 July 1997, the Economic and Social Council, recalling General Assembly resolution 50/227 of 24 May 1996, in which the Assembly, *inter alia*, decided that the Council should undertake a review of the mandates, composition, functions and working methods of its functional commissions and expert bodies and should consider, as a matter of priority, the role, working methods and relationship with other bodies of the Commission on Science and Technology for Development, the Committee for Development Planning, the Committee on New and Renewable Sources of Energy and on Energy for Development and the Committee on Natural Resources, recalling its resolution 1996/41 of 26 July 1996 on the follow-up to General Assembly resolution 50/227, taking into account the work done during its substantive session of 1997, including preparatory consultations in New York and views and positions expressed by Member States as well as inputs provided by the Economic and Social Council secretariat and the substantive secretariats servicing the bodies under priority consideration:

(a) Decided to continue, at its resumed substantive session of 1997, consideration of its review in accordance with General Assembly resolution 50/227, annex I, paragraphs 70 and 71, and Council resolution 1996/41;

(b) Took note of the summary of the review exercise undertaken at its substantive session of 1997, which was submitted by the Vice-President of the Council and is contained in the annex to the present decision;

(c) Requested the President of the Council to transmit this to the Presidents of the General Assembly at its fifty-first and fifty-second sessions, for consideration under relevant items of the agenda of the Assembly.

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[73] E/1997/L.25; for the final report, see *Official Records of the General Assembly, Fifty-second Session, Supplement No. 25* (A/52/25).

[74] E/1997/L.26; for the final report, see *Official Records of the General Assembly, Fifty-second Session, Supplement No. 8* (A/52/8).

[75] A/52/172-E/1997/71 and Corr.1.

Annex

SUMMARY BY THE VICE-PRESIDENT OF THE ECONOMIC AND SOCIAL COUNCIL, MR. ANWARUL KARIM CHOWDHURY (BANGLADESH), OF THE INFORMAL CONSULTATIONS ON THE FOLLOW-UP TO GENERAL ASSEMBLY RESOLUTION 50/227: REVIEW OF THE COMMISSION ON SCIENCE AND TECHNOLOGY FOR DEVELOPMENT, THE COMMITTEE FOR DEVELOPMENT PLANNING, THE COMMITTEE ON NEW AND RENEWABLE SOURCES OF ENERGY AND ON ENERGY FOR DEVELOPMENT AND THE COMMITTEE ON NATURAL RESOURCES

1. In the preparations for the substantive session of 1997 of the Economic and Social Council in New York and during the session itself in Geneva, several rounds of consultations were held, in pursuance of General Assembly resolution 50/227, relating to a review of the Commission on Science and Technology for Development, the Committee for Development Planning, the Committee on New and Renewable Sources of Energy and on Energy for Development and the Committee on Natural Resources as part of the Council's review of its subsidiary bodies. These consultations were assisted by the valuable background information, ideas and suggestions provided at the request of the Member States by the chairpersons of the bodies under priority review, the secretariat of the Council and other relevant substantive secretariats. The Group of 77 and China and the European Union also submitted written comments and proposals for consideration in the review exercise. On the basis of these various inputs, an informal outline for discussion (dated 30 June 1997) was presented by the Vice-President as mandated. During the substantive session, a comprehensive review of the mandates, composition and working methods of each of the four bodies under review was carried out.

2. The present summary, prepared by the Vice-President, of the issues addressed is intended to facilitate further consultations.

3. On process, the broad perception during the consultations was that:

(a) The intergovernmental process mandated by General Assembly resolution 50/227 should continue at the resumed substantive session of 1997; it was also observed, however, that the Council's review would benefit from further information, to be provided by the Secretary-General;

(b) There was a need to coordinate the intergovernmental process of the review to ensure there was no duplication.

4. On the Commission on Science and Technology for Development, the main areas of concern were as follows:

(a) The role of the Commission, its profile and its impact;

(b) Intergovernmental oversight, its relationship with the Council and the Trade and Development Board as well as with other intergovernmental bodies, including the Commission on Sustainable Development;

(c) Coordination, _inter alia_, through its agenda and work programme;

(d) The relationship between the Commission and its substantive secretariat, and with organizations of the United Nations system;

(e) The size, composition and completion of membership (vacancies, regional balance and the like).

5. On the Committee for Development Planning, the main areas of concern were as follows:

(a) The role of the Committee in preparing for development discussions in the Council, particularly during its high-level segment, as well as its role in the identification and analysis of new and emerging trends and issues in the area of development;

(b) The name of the Committee: it could be changed to Committee for Development Policies, as suggested by the Committee itself, or to Committee for Development Issues;

(c) The role of the Committee in reviewing the list of the least developed countries: whether this function could be carried out by some other United Nations body;

(d) Clarification of the relationship between the Committee and the Secretary-General's High-level Advisory Board on Sustainable Development.

6. On the Committee on New and Renewable Sources of Energy and on Energy for Development, the main areas of concern were as follows:

(a) How to deal effectively, at an expert level, with the energy issue, which is of particular importance for the developing countries;

(b) The place of the Committee in the subsidiary machinery of the Council: should it report to the Council directly or through the Commission on Sustainable Development;

(c) Arrangements for dissemination and use of the reports of the Committee;

(d) Linkages with other United Nations bodies.

7. On the Committee on Natural Resources, the main areas of concern were as follows:

(a) The place of the Committee in the machinery of the Council and its relationship with other bodies, particularly the Commission on Sustainable Development and the Committee on New and Renewable Sources of Energy and on Energy for Development;

(b) Whether issues of freshwater require separate consideration in the Committee or can be discussed in the Commission on Sustainable Development;

(c) How to address effectively the issue of minerals and whether it is feasible to combine this function with the work on energy in the Committee on New and Renewable Sources of Energy and on Energy for Development;

(d) Arrangements for dissemination and use of the reports of the Committee.

Appendix

Informal outline for discussion on the Commission on Science and Technology for Development, the Committee for Development Planning, the Committee on New and Renewable Sources of Energy and on Energy for Development and the Committee on Natural Resources

A. Commission on Science and Technology for Development

1. The mandate established by the resolutions of the General Assembly and the Council should be retained. Particular attention should be focused on the issues of transfer of technology and capacity-building.

2. The size of the Commission should be reduced from 53 members to 24 members, who should be experts nominated by Member States.

3. The Commission should continue to report directly to the Council.

4. Coordination with other bodies, including the Commission on Sustainable Development, should be improved.

5. The dissemination of information should be improved.

B. Committee for Development Planning

1. The name of the Committee should be changed to Committee for Development Policies or Committee for Development Issues.

2. The Committee should perform as an independent advisory body to the Council, providing inputs with regard to various issues or themes being discussed in the Council. Its mandate on the least developed countries should continue.

3. Dissemination of information should be improved.

4. The Council should provide guidance regarding the programme of work of the Committee.

5. The composition of the Committee (24 members) should include people from a variety of economic and social disciplines of relevance to its think-tank role. The membership should include those who are able to provide newer perspectives on issues under consideration.

C. Committee on New and Renewable Sources of Energy and on Energy for Development and Committee on Natural Resources

1. These two Committees should be merged to form one Committee on Natural Resources and Energy for Development.

2. The new Committee should have two panels, one dealing with energy for development, including new and renewable sources of energy, and the other dealing mainly with water resources.

3. The Committee should act as an advisory expert body reporting to the Council.

4. The new Committee should be composed of 24 experts nominated by Member States: 12 members with adequate and appropriate expertise should serve on each panel.

5. The panels should focus on appropriate recommendations for action by the Council.

6. The Committee should meet annually for one week in view of the importance of the issues considered by the two panels.

7. Dissemination of information and coordination with other United Nations bodies should be improved.

1997/311. Implementation of General Assembly resolution 50/227

At its 42nd plenary meeting, on 25 July 1997, the Economic and Social Council decided:

(a) To continue consideration of the item on the implementation of General Assembly resolution 50/227 at its resumed substantive session of 1997;

(b) To request the Bureau to make suggestions regarding action on the recommendations of the Secretary-General contained in his report on the restructuring and revitalization of the United Nations in the economic, social and related fields;[76]

(c) To consider the item at an early date in future substantive sessions of the Council;

(d) To request the Secretary-General to provide the Council with a briefing on relevant issues after each session of the Administrative Committee on Coordination, beginning with the second regular session of 1997 of the Committee, in October/November 1997.

1997/312. Participation of non-governmental organizations in the work of the General Assembly

At its 43rd plenary meeting, on 25 July 1997, the Economic and Social Council decided:

(a) To defer consideration of the draft resolution contained in document E/1997/L.51 pending the outcome of the deliberations on the question by the General Assembly at its fifty-second session;

(b) To consider the draft resolution not later than its organizational session for 1998, without prejudice to the relevant decision of the General Assembly on the question;

(c) To recommend that the General Assembly give early consideration to the question.

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[76] A/52/155-E/1997/68 and Add.1.

1997/313. Report of the Secretary-General on new and innovative ideas for generating funds for globally agreed commitments and priorities

At its 43rd plenary meeting, on 25 July 1997, the Economic and Social Council took note of the report of the Secretary-General on new and innovative ideas for generating funds for globally agreed commitments and priorities.[77]

1997/314. Documents considered by the Economic and Social Council in connection with the question of regional cooperation

At its 42nd plenary meeting, on 25 July 1997, the Economic and Social Council took note of the following documents:

(a) Note by the Secretary-General on reform of the United Nations and its impact on the Economic Commission for Latin America and the Caribbean;[78]

(b) Report of the Secretary-General on regional cooperation in the economic, social and related fields;[79]

(c) Summary of the survey of economic and social conditions in Africa, 1996;[80]

(d) Summary of the economic survey of Europe, 1996;[81]

(e) Summary of the economic survey of Latin America and the Caribbean, 1996;[82]

(f) Summary of the survey of economic and social conditions in Asia and the Pacific, 1997;[83]

(g) Summary of the survey of economic and social developments in the region of the Economic and Social Commission for Western Asia, 1996-1997;[84]

(h) Note by the Secretary-General on the project for a Europe-Africa permanent link through the Strait of Gibraltar.[85]

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[77] A/52/203-E/1997/85.

[78] E/1997/5.

[79] E/1997/40 and Add.1.

[80] E/1997/41.

[81] E/1997/42.

[82] E/1997/43.

[83] E/1997/44.

[84] E/1997/45.

[85] E/1997/51.

1997/315. Report of the Committee on Non-Governmental Organizations

At its 43rd plenary meeting, on 25 July 1997, the Economic and Social Council took note of the report of the Committee on Non-Governmental Organizations.[86]

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[86] E/1997/90 and Corr.1.